

RULES
OF THE
CIRCUIT COURT
OF THE STATE OF OREGON
FOR
CLATSOP COUNTY

(18th Judicial District)

Effective: February 1, 2016

**Clatsop County Circuit Court (18th Judicial District)
Supplementary Local Rules Effective on February 1, 2016**

Table of Contents

<u>Chapter 1- General Provisions</u>	<u>Page</u>
1.151 Hours of Operation -----	1
1.171 Website Address -----	1
1.173 Physical / Mailing Address -----	1
<u>Chapter 3 - Decorum in Proceedings</u>	
3.181 Public Access Coverage -----	1
3.182 Personal Communication Devices-----	1
<u>Chapter 4 - Proceedings in Criminal Cases</u>	
4.005 Motions to Dismiss -----	2
4.015 Time for Filing Pretrial Motions-----	2
4.081 Appearance at Criminal Proceedings by Simultaneous Electronic Transmission -----	2
<u>Chapter 5 - Proceedings in Civil Cases</u>	
5.061 <i>Ex Parte</i> and Stipulated Orders -----	2
<u>Chapter 6 - Trials</u>	
6.011 Pretrial Conferences in Civil Cases -----	3
6.012 Settlement Conferences -----	3
6.031 Scheduling Conflicts -----	3
6.051 Delivery of Trial Memoranda and other Documents -----	4
6.061 Electronic Copy of Requested Jury Instructions -----	4
6.081 Exhibits-----	4
6.082 Trial Fees Payable Before Trial-----	4
<u>Chapter 7 – Case Management and Calendaring</u>	
7.007 Early Resolution Conference-----	4
7.011 Setting Trials in Criminal Cases -----	5
7.021 Setting Trials in Civil Cases-----	5
7.023 Scheduling of Show Case Proceedings -----	5
7.031 Docket Call -----	5
<u>Chapter 8 – Domestic Relations Proceedings</u>	
8.015 Parenting Time Rules -----	6
8.045 Prejudgment Relief -----	6
8.046 Parent Education Program-----	7
8.047 Custody Evaluation Panel -----	8

Chapter 9 – Probate, Guardianships, Conservatorships, and Adoption Proceedings

9.045 Guardianships and Conservatorships ----- 8
9.081 Place for Objections ----- 9
9.082 Protective Proceedings – Notice of Services ----- 9
9.161 Form of Accountings----- 9
9.185 Vouchers and Depository Statements ----- 9

Chapter 11 – Juvenile Court Proceedings

11.015 Pretrial Motions ----- 9
11.045 Juvenile Delinquency Hearings ----- 9
11.057 Mandatory Settlement Conferences -----10
11.087 Appearance in Dependency Cases -----10

Chapter 12 – Mediation

12.001 Child Custody and Parenting Time Mediation-----10
12.002 Child Custody and Parenting Time Mediation: Court Control -----11
12.003 Commencement of Child Custody and Parenting Time Mediation-----11
12.004 Child Custody and Parenting Time Mediation: Lawyers and Mediators-----11
12.005 Child Custody and Parenting Time Mediation Orientation -----11
12.006 Assignment to Child Custody and Parenting Time Mediators-----11
12.007 Scheduling of Child Custody and Parenting Time Mediation Sessions-----12
12.008 Child Custody and Parenting Time Mediation Completion-----12
12.101 Mediation Procedure in Civil Actions-----12
12.103 Assignment of Mediator in Civil Actions -----12
12.107 Mediation Process in Civil Actions-----13
12.301 Small Claims Mediation -----13
12.303 Small Claims Mediation Procedures -----13

Chapter 13 – Arbitration

13.009 Mediation in Lieu of Arbitration-----14
13.011 Referral to Arbitration -----14
13.035 Arbitration Commission-----14
13.101 Good Faith Arbitration -----15
13.161 Location of Arbitration Proceeding-----15

Chapter 15 – Small Claims

15.025 Mandatory Mediation-----15

Chapter 16 – Violations

16.001 Violations Bureau -----15
16.005 Trial by Declaration under Penalty of Perjury -----15

Chapter 24 – Oregon eCourt Implementation

24.201 Electronic Documents -----15
24.202 Electronic Court Signatures-----16

24.203 Combined Motion and Order Document Not Permitted----- 16

24.205 Binding Documents; Use of Staples Prohibited ----- 16

24.501 Stipulated or *Ex Parte* Matters May be Electronically Filed----- 16

24.601 Submission of Requested Jury Instruction and Verdict Forms ----- 17

24.801 Actions for Dissolution of Marriage, Separate Maintenance and Annulment, and Child Support; Documentation for Department of Justice, Division of Child Support----- 17

24.901 Delivering Probate Materials to the Court, No Self-Addressed, Stamped Envelope if Document Electronically Filed ----- 17

Appendix I----- 18

Appendix II----- 19

Clatsop County Circuit Court Supplementary Local Rules

Chapter 1 - General Provisions

1.151 HOURS OF OPERATION

- (1) Unless otherwise ordered due to emergency conditions, information regarding business hours for the Eighteenth Judicial District can be found at:
<http://courts.oregon.gov/clatsop>.
- (2) In the event all customer service windows are closed on a day that the court is open for business, a drop box will be available until 5:00 p.m. for filings and payments. The drop box is located on the main floor of the courthouse, 749 Commercial Street, Astoria, Oregon.

1.171 WEBSITE ADDRESS

The Clatsop County Circuit Court website address is: <http://courts.oregon.gov/clatsop>.

1.173 PHYSICAL / MAILING ADDRESSES

The street address of Clatsop County Circuit Court is 749 Commercial Street, Astoria, Oregon 97103. All physical appearances required by these rules shall occur at that location unless otherwise specified by the Court. The mailing address is P.O. Box 835, Astoria, OR 97103.

Chapter 3 - Decorum in Proceedings

3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the lobby areas of the basement, first floor and second floor of the courthouse unless the Court designates another area. Public access coverage shall not disrupt court proceedings or interfere with normal court activities. Access to other areas of the courthouse or courtrooms must be approved in advance by either a judge or the Trial Court Administrator.

3.182 PERSONAL COMMUNICATION DEVICES

- (1) For the purposes of this rule, personal communication devices include, but are not limited to, cellular telephones, smart phones, pagers, laptop computers, and tablets.
- (2) Unless otherwise allowed by a judge presiding over the proceeding, all personal communication devices, except those used at counsel tables for court business purposes, shall be turned off while in the courtroom. Those devices used at counsel tables shall be placed in silent mode.

Chapter 4 - Proceedings in Criminal Cases

4.005 MOTIONS TO DISMISS

Motions to dismiss a criminal action made by the prosecutor shall be in writing, signed by the attorney, and include facts supporting the motion.

4.015 TIME FOR FILING PRETRIAL MOTIONS

Pretrial motions, including discovery motions and motions filed pursuant to ORS 135.037, shall be filed no more than 30 days after the early resolution conference if the defendant is out of custody and no more than 48 hours after the early resolution conference if the defendant is in custody. In any case, pretrial motions shall be filed no later than the time allowed in UTCR 4.010.

4.081 APPEARANCE AT CRIMINAL PROCEEDINGS BY SIMULTANEOUS ELECTRONIC TRANSMISSION

- (1) Unless otherwise ordered by the Court, in-custody arraignments shall be by simultaneous electronic transmission.
- (2) With approval of the Court, in-custody defendants may appear by simultaneous electronic transmission for plea and sentencing hearings, probation violation hearings and other criminal proceedings. Probation officers may appear by simultaneous electronic transmission for probation violation hearings.
- (3) With all parties' consent and Court approval, other defendants and witnesses may appear in non-jury criminal proceedings by simultaneous electronic transmission.
- (4) Whenever testimony by simultaneous 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.

Chapter 5 - Proceedings in Civil Cases

5.061 EX PARTE AND STIPULATED ORDERS

Ex parte and stipulated orders shall be presented to the court clerk to be forwarded to the judge with the applicable court file. *Ex parte* matters requiring a hearing shall be scheduled by docketing staff.

Chapter 6 - Trials

6.011 PRETRIAL CONFERENCES IN CIVIL CASES

- (1) The Court may set a pretrial conference in any civil case pursuant to UTCR 6.010. If the Court does not schedule a pretrial conference, a party may request a setting.
- (2) The trial attorney or an attorney familiar with all aspects of the case shall appear at the pretrial conference, and self-represented litigants shall appear at the pretrial conference unless the Court allows participation by telecommunication.
- (3) At the pretrial conference, the Court may set deadlines and/or enter orders regarding:
 - (a) amendments to the pleadings
 - (b) motions
 - (c) discovery
 - (d) trial memoranda
 - (e) exhibits
 - (f) jury instructions
 - (g) a neutral summary of the pleadings
 - (h) any other matter that may aid in the disposition of the action.

6.012 SETTLEMENT CONFERENCES

A settlement conference may be set in a civil case at the request of the Court or a party. Parties and others with settlement authority, including insurance claims representatives, must appear in person unless personal appearance is waived in advance by the settlement judge, in which case they must be available by telephone.

6.031 SCHEDULING CONFLICTS

Except as provided in SLR 7.021, requests to reschedule a court proceeding, including trials and hearings, must be in writing and received by the Court not later than ten (10) days after the proceeding is set. The written request shall be provided to attorneys of record and unrepresented parties and shall include a list of dates on which the parties and counsel are available to try the matter. After ten days, continuances shall not be allowed except for good cause. Requests to reschedule a case that has been open for more than nine (9) months must be made by motion and must show good cause. This rule does not apply to civil cases at issue or deemed at issue. Such civil cases will be set in accordance with SLR 7.021.

6.051 DELIVERY OF TRIAL MEMORANDA AND OTHER DOCUMENTS

Any trial memoranda, requested jury instructions, witness lists, motions in limine, proposed neutral statements of the case, and exhibit lists shall be received by the Court and opposing counsel at least one day prior to the commencement of the trial.

6.061 ELECTRONIC COPY OF REQUESTED JURY INSTRUCTIONS

- (1) In addition to the requirements of UTCR 6.060, an attorney or party requesting instructions described in subsection (2) below shall provide the trial court an electronic copy of all proposed or requested jury instructions. The electronic copy may be provided on a computer disk or may be emailed as an attachment to the Court. The email address for submission of jury instructions can be found on the Court's website.
- (2) The following documents shall be included on the electronic copy: (a) any uniform instruction that has been modified; (b) any uniform instruction submitted if the instruction fills in the blanks or includes alternative choices; (c) any proposed special instruction; and, (d) any proposed special verdict form.
- (3) Uniform jury instructions requested by number only which do not require information to be filled in do not need to be supplied on an electronic copy.

6.081 EXHIBITS

All trial exhibits will be assigned a value of zero unless the submitting party supplies the court clerk with a written opinion as to value.

6.082 TRIAL FEES PAYABLE BEFORE TRIAL

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

Chapter 7 - Case Management and Calendaring

7.007 EARLY RESOLUTION CONFERENCE

- (1) In criminal cases, an early resolution conference will be set at arraignment, not less than 21 days out for in-custody defendants and not less than 35 days out for out-of-custody defendants. At the early resolution conference, attorneys and unrepresented parties shall meet with the judge and report on the progress of negotiations, discovery, and pretrial motions, attempt to resolve the case, and advise whether a trial is needed. Unless a final resolution conference is set, the early resolution conference is the deadline for negotiated pleas unless good cause is shown for a later date.

- (2) If a final resolution conference is held, the final resolution conference is the deadline for negotiated pleas unless good cause is shown for a later date.
- (3) Defendants in criminal cases must attend all resolution conferences unless the Court authorizes a waiver of appearance in advance.

7.011 SETTING TRIALS IN CRIMINAL CASES

- (1) Absent good cause, all criminal cases in which the victim is under 18 years of age at the time the charging instrument is filed shall be tried within 90 days of arraignment.
- (2) Counsel may jointly request a date-certain trial at a conference with the judge in cases with special witness problems, speedy trial requests, or other considerations. A date-certain trial shall receive priority over other cases scheduled to be tried the same day. Motions to continue date-certain trials shall be denied absent extraordinary circumstances.

7.021 SETTING TRIALS IN CIVIL CASES

To facilitate agreement on trial dates pursuant to UTCR 7.020(6), the Court will send “at issue” notices to parties when a civil case is at issue. Parties should respond with available trial dates within the period designated by the notice. If a party fails to respond as provided in the notice, the Court shall set the case for trial on a date convenient to the Court.

7.023 SCHEDULING OF SHOW CAUSE PROCEEDINGS

- (1) Show cause matters may be set at any time the court schedule permits.
- (2) Except as provided in ORS 107.135, ORS 107.138, or SLR 8.045, an applicant for an order to show cause shall obtain a time and date for a first appearance hearing from the docket clerk and insert that date in the Order to Show Cause prior to delivering the order to the clerk for judge's signature. Service of the order upon the adverse party shall constitute notice to such party of the time and place of the hearing.

7.031 DOCKET CALL

- (1) Criminal and Dependency case docket calls shall be held in the week immediately preceding the week of trial on a judicial day and time set by the Presiding Judge.
 - (a) Attorneys of record and unrepresented parties shall appear in person for docket call. Attorneys may appear by telephone or in writing if arrangements are made with the docket clerk prior to docket call.
 - (b) Defendants shall appear in person at docket call unless the Court authorizes a waiver of appearance in advance. In misdemeanor cases, the defendant waives

appearance if the defendant has been in personal contact with the attorney within ten days prior to docket call.

- (c) If the Court finds good cause to allow a negotiated plea after the last resolution conference, docket call is the final deadline for negotiated pleas. Parties shall appear in court during or immediately after docket call for change of plea.
- (2) Civil docket call is in writing. Parties shall complete the form marked Appendix I of the Supplemental Local Rules and submit it to the Court and all attorneys of record and unrepresented parties prior to 10:00 a.m. on the Thursday before the scheduled trial date.
- (3) Diversion agreements, civil compromise documents, and jury waivers shall be filed by docket call.

Chapter 8 - Domestic Relations Proceedings

8.015 PARENTING TIME RULES

In any domestic relations proceeding, dissolution of marriage, annulment, separation or custody case, paternity, filiation or similar proceeding, a non-custodial parent shall have the right to parenting time with the minor children of the parties according to the Basic Parenting Plan, unless otherwise ordered by the Court or the parties agree to a customized parenting plan, such as the Expanded Parenting Plan, which is approved by the Court. The Basic and Expanded Parenting Plans can be found on the Court's website.

8.045 PREJUDGMENT RELIEF

- (1) All applications for prejudgment relief in domestic relations cases must be made by motion for show cause order and include a supporting affidavit(s). The motion and show cause order must state separately each item of relief requested. Time periods specified in this rule shall be computed in accordance with ORCP 10.
- (2) Show cause orders for prejudgment relief shall specify a response time not less than 14 days from the date of service upon the opposing party. When the show cause order is served outside the state of Oregon or by publication, the order shall require the opposing party to file an answer in writing not less than 20 days from the date of service. Such orders shall require the opposing party to respond by filing an answer in writing, together with opposing affidavits and serving a copy of the answer and affidavits on the moving party within the response time. The order must include a notice as set forth in Appendix II to these rules if the opposing party is unrepresented.
- (3) If proof of service is filed and the opposing party fails to respond to the show cause order within the time set forth in the order, the moving party may present an order granting the relief sought.

- (4) If the opposing party responds to the show cause order, the moving party shall have five days from the date of service to file a reply affidavit. No further pleadings will be considered. Either party may notify the Court in writing when the matter is ready for determination, and the Court shall decide the matter and promptly notify the parties of any decision.
- (5) Additional applications or new issues requested by the opposing party must be made by motion for show cause order and supporting affidavit(s) in accordance with the procedure outlined in paragraphs 1- 4 of this rule.
- (6) For good cause shown or upon its own motion, the Court may set prejudgment relief proceedings for hearing.
- (7) Motions for prejudgment relief or responses to motions for prejudgment relief shall be considered by the Court to be general appearances pursuant to ORS 107.055, thereby placing the case at issue and ready for referral to mediation and/or a trial setting.

8.046 PARENT EDUCATION PROGRAM

- (1) A parent education program as authorized by ORS 3.425 is established. The program shall provide information on the impact of family restructuring on children and skills for successful co-parenting after separation for parties in the following types of proceedings, when such proceedings involve minor children:
 - (a) Annulment or dissolution of marriage;
 - (b) Legal separation;
 - (c) Petition to establish custody or parenting time; and
 - (d) Post-judgment litigation involving custody or parenting time.
- (2) Each person named as a party in proceedings of the type described above shall complete the program unless the Court approves a waiver. A party residing outside Clatsop County may attend a comparable class in another location. The party shall receive approval from the Court to substitute a class.
- (3) The Court shall provide petitioner with notice and instructions regarding parent education when the petition is filed. Petitioner shall serve respondent with a copy of the notice pursuant to ORCP 7 and file proof of service with the Court.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived or reduced by the program provider, subject to court review.
- (5) The program provider shall issue a certificate of completion when the participant has completed the program. The participant must file the certificate of completion with the

Court. A certificate of completion is valid for two (2) years; if custody, parenting time or visitation proceedings are initiated after a certificate has expired, the participant must retake the class.

- (6) Court action in these cases shall not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirements of this rule, unless the non-complying party is the moving party. If a party fails to complete the education program successfully or fails to comply with the requirements of this rule, the Court may take appropriate action against that party.

8.047 CUSTODY EVALUATION PANEL

- (1) The Court has established a panel of trained custody evaluators. To qualify as a panelist, a person must complete court-approved training, file an application with the Court, and be approved by the Court and Local Family Law Advisory Committee.
- (2) Unless otherwise ordered by the Court, evaluators shall meet with the mediator, parties and attorneys to discuss the recommendations at the conclusion of the evaluation.
- (3) Motions for custody evaluations shall include a representation that the custody evaluator can complete the evaluation at least two weeks prior to the scheduled trial date and the parties can comply with 8.047(2) prior to trial.
- (4) The Court may appoint an evaluator from the court panel or another qualified evaluator for investigations pursuant to ORS 107.425 unless otherwise agreed by the parties.

Chapter 9 - Probate, Guardianships, Conservatorships, and Adoption Proceedings

9.045 GUARDIANSHIPS AND CONSERVATORSHIPS

- (1) When a petition seeks appointment of a guardian for an adult respondent or requests appointment of a visitor, a copy of the petition marked "visitor's copy," shall be delivered to the probate clerk and the visitor's fee shall be tendered to the Court. Upon receipt of the visitor's copy, supporting documentation and visitor's fee, the probate clerk shall prepare an order appointing visitor.
- (2) The visitor shall be compensated as provided in ORS 125.170 and the Court's order. The visitor is not required to begin an investigation until the fee has been paid or waived by the Court.
- (3) Within 30 days after each anniversary of appointment, all guardians must file a written report. The report for guardians of minors shall be in the form prescribed by the Court (see the Guardianship Annual Report Form and Summary Sheet on the Court's website).

9.081 PLACE FOR OBJECTIONS

Pursuant to ORS 125.075(2), the Court designates the Court's public civil counter as the place where oral objections shall be made. The telephone number is 503-325-8555 ext. 0. Written objections shall be mailed or delivered to Clatsop County Circuit Court, 749 Commercial Street, P.O. Box 835, Astoria, OR 97103. A form that may be used for written objections can be found on the Court's website.

9.082 PROTECTIVE PROCEEDINGS - NOTICE OF SERVICES

In a proceeding for the appointment of a guardian for an adult respondent, the notice required under ORS 125.060 shall include the following language or its equivalent:

Free legal services for people at least 60 years of age who are subject to guardianship proceedings may be obtained by calling Oregon Law Center's Senior Law Program at 1-877-296-4076. Free or low cost services for people at least 60 years of age may be obtained by calling Senior and Disability Services at 503-325-4543, including help to maintain maximum independence, remain at home as long as possible, select an appropriate foster or nursing home, obtain necessary personal and/or medical care, and prevent or stop physical or financial abuse. Help finding a lawyer and a low-cost one-time legal consultation may be obtained by calling the Lawyer Referral Service of the Oregon State Bar at 1-800-452-7636.

9.161 FORM OF ACCOUNTINGS

Accountings in estate and conservatorship cases shall be submitted in the format specified in UTCR 9.160.

9.185 VOUCHERS AND DEPOSITORY STATEMENTS

- (1) In lieu of vouchers, a list of expenditures as reflected by the vouchers shall accompany all accountings.
- (2) All accountings shall include the opening and closing depository statements for each account for the accounting period.

Chapter 11 - Juvenile Court Proceedings

11.015 PRETRIAL MOTIONS

The schedule for filing pretrial motions provided in UTCR 4.010 shall govern the filing of pretrial motions in delinquency cases.

11.045 JUVENILE DELINQUENCY HEARINGS

Requests for juvenile delinquency hearings shall be in writing, set forth the reason for the request, state an estimate of the time required for argument, and be served on all parties.

11.057 MANDATORY SETTLEMENT CONFERENCES

Unless waived by a judge and with the exception of violations, all contested delinquency and dependency cases shall be set for settlement conference.

- (1) In dependency cases, parents must appear in person at the settlement conference unless otherwise authorized by the judge.
- (2) In delinquency cases, youths must appear in person at the settlement conference unless otherwise authorized by the judge.

11.087 APPEARANCE IN DEPENDENCY CASES

Parents served with summons in a child dependency case, including permanent guardianship and termination of parental rights cases, shall appear personally in court at the time and place specified in the summons.

CHAPTER 12 – Mediation

12.001 CHILD CUSTODY AND PARENTING TIME MEDIATION

- (1) Mediation is mandatory in all proceedings in which child custody, parenting time or visitation is contested except:
 - (a) Pre-judgment custody and parenting time proceedings pursuant to ORS 107.095.
 - (b) Family Abuse Prevention Act proceedings pursuant to ORS 107.700 to 107.732.
 - (c) Elderly Persons and Persons with Disability Abuse Prevention Act proceedings pursuant to ORS 124.005 et seq.
 - (d) Expedited parenting time enforcement proceedings pursuant to ORS 107.434.
 - (e) Juvenile dependency and delinquency proceedings.
 - (f) Proceedings in which the Court has found good cause to waive mediation.
- (2) Other Matters: A mediator qualified to mediate financial issues may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody, parenting time or visitation with the consent of both parties.

12.002 CHILD CUSTODY AND PARENTING TIME MEDIATION: COURT CONTROL

Cases remain subject to the control of the Court during mediation. Mediators shall report to the Court and counsel the outcome of mediation. Mediation agreements shall be presented to the Court, and the Court shall retain final authority to accept, modify or reject agreements.

12.003 COMMENCEMENT OF CHILD CUSTODY AND PARENTING TIME MEDIATION

- (1) Commencement of Mediation: Mediation will be commenced by stipulation of the parties, request of a party or court referral.
- (2) The Court may remove a case from mediation at any time.

12.004 CHILD CUSTODY AND PARENTING TIME MEDIATION: LAWYERS AND MEDIATORS

- (1) Unless otherwise agreed in writing by the parties, the parties' legal counsel shall not be present at mediation sessions.
- (2) A mediator shall encourage disputing parties to obtain independent legal advice and review of any mediated agreement before signing any agreement.
- (3) A mediator shall not act as a lawyer for either party.

12.005 CHILD CUSTODY AND PARENTING TIME MEDIATION ORIENTATION

- (1) Standard mediation shall consist of an orientation session and up to eight hours of mediation per referral. Additional mediation, up to an additional two (2) hours per case, may be scheduled by the mediator with prior approval of the Court.
- (2) The Court may exempt a party from orientation for good cause.
- (3) Mediation orientation shall be done by video which is available on the Clatsop County website at: <http://courts.oregon.gov/clatsop>. Mediation orientation shall be completed within 30 days of filing a petition or 30 days of filing responding documents. Failure to complete mediation orientation may result in the sanctions set out in UTCR 1.090.

12.006 ASSIGNMENT TO CHILD CUSTODY AND PARENTING TIME MEDIATORS

- (1) The parties may select a mediator of their own choosing, but 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.
- (2) The parties shall choose a mediator upon completion of orientation and promptly notify the Court. If the parties do not notify the Court of their selection of mediator when they

declare completion of mediation, the mediation clerk will select a mediator from the court's list of mediators.

12.007 SCHEDULING OF CHILD CUSTODY AND PARENTING TIME MEDIATION SESSIONS

Upon receipt of a mediation assignment, a mediator shall immediately notify the parties of a date and time for the initial mediation session. The initial mediation session shall occur within fourteen (14) days of notice of the assignment to the mediator.

12.008 CHILD CUSTODY AND PARENTING TIME MEDIATION COMPLETION

- (1) Mediation shall be completed promptly without causing unnecessary delay of court proceedings and in no event later than any deadline set by the judge.
- (2) The mediator shall notify the Court immediately when mediation is concluded.

12.101 MEDIATION PROCEDURE IN CIVIL ACTIONS

On the parties' written stipulation filed with the Court at any time prior to the commencement of an arbitration hearing, the parties may elect to mediate (pursuant to ORS 36.185 to 36.210) rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration. Such mediation shall be accomplished within the same time period required for court-annexed arbitration under these rules. If the parties mediate in good faith, they shall be deemed to have met the requirements for mandatory arbitration, whether or not the mediation results in resolution of all claims, and shall not thereafter be required to submit to arbitration. Nothing in this rule, however, precludes the parties from entering into arbitration in the event that mediation is unsuccessful in resolving the controversy. Any such request to arbitrate after mediation shall be governed by SLR 13.005 to 13.161.

12.103 ASSIGNMENT OF MEDIATOR IN CIVIL ACTIONS

- (1) If no arbitrator has been selected or assigned at the time of the stipulation to mediate, the parties may:
 - (a) Select a mediator by stipulation; or
 - (b) Follow the procedures for assignment of an arbitrator pursuant to UTCR 13.080, except that the mediator shall be chosen from among those on the court-maintained list who have agreed to serve as mediators. The parties shall notify the arbitration clerk of their desire to select the mediator from such a list prior to the issuance of a list of potential arbitrators, if possible.
- (2) Mediators whose names are maintained on the court-maintained list shall have the qualifications of arbitrators under UTCR 13.090(1).

- (3) If an arbitrator has already been assigned at the time of the stipulation to mediate, the parties may select a mediator in either of the following methods:
 - (a) Request the arbitrator to serve as a mediator. Execution of the oath of arbitrator shall not preclude the arbitrator from agreeing to act as mediator pursuant to this rule. If the arbitrator agrees so to serve, UTCR 13.130 shall be inapplicable.
 - (b) Stipulate to another mediator. If another mediator is selected, the arbitrator shall be informed immediately, and shall be compensated, pursuant to UTCR 13.120 and the Supplementary Local Rules, for any time already invested in the case.

12.107 MEDIATION PROCESS IN CIVIL ACTIONS

- (1) If requested by the mediator, each party shall supply to the mediator, at least five days prior to the scheduled mediation, a copy of the pleadings, a confidential statement of the nature of the case, the status of settlement negotiations, and any other information requested by the mediator or deemed helpful by any party for resolution of the dispute.
- (2) The mediator shall report the results of mediation on such forms as the Court may direct, as either "settled" or "not settled." If settled, the terms of the settlement shall be stated on the report form and signed by the parties and attorneys, unless the parties have agreed that the terms shall be kept confidential and not entered as a judgment. The report form shall be filed and the reported settlement entered as a judgment in the same manner as the filing of an award from arbitration that has not been appealed. If the parties have agreed to keep the statement confidential, a written statement of the terms of the settlement signed by the parties or the attorneys shall be filed under seal and shall not be made a part of the court file or entered as a judgment. This confidential statement shall be admissible to prove the settlement, but shall not otherwise be admissible.
- (3) In the event any party fails to mediate in good faith after signing a stipulation for mediation, the Court may assess as costs any other party's costs necessarily incurred in the mediation.

12.301 SMALL CLAIMS MEDIATION

Mediation in small claims cases is mandatory unless waived by the Court for good cause. After a demand for hearing is filed, both parties shall be notified of the date they are to appear for mediation. Any counterclaims shall be heard at the same time. Requests for a change in the mediation date must be in writing and received by the Court no later than seven (7) days before the scheduled mediation date.

12.303 SMALL CLAIMS MEDIATION PROCEDURES

- (1) The Court shall assign cases to a mediator. Each party shall come to mediation with full authority to make and accept offers for settlement.

- (2) All parties must appear for small claims mediation. If a party fails to appear for small claims mediation, a default judgment may be entered against him or her subsequent to an opportunity for a hearing. An authorized representative may appear on behalf of a business but must be familiar with the facts of the case with full authority to settle. Unless a party to the case, attorneys shall not attend small claims mediation.
- (3) If mediation is not successful, the case will be set for trial. If mediation is successful, the agreement will be forwarded to a judge for approval.
- (4) If a party fails to comply with the terms of the mediation agreement, the other party may file a declaration of non-compliance and obtain judgment on the original claim.

CHAPTER 13 - Arbitration

13.009 MEDIATION IN LIEU OF ARBITRATION

On the parties' written stipulation, filed with the Court at any time prior to the commencement of the arbitration hearing, the parties may elect to mediate (pursuant to ORS 36.185 to 36.210) rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration. Such mediation shall be accomplished within the same time period required for court-annexed arbitration under these rules. If the parties mediate in good faith, they shall be deemed to have met the requirements for mandatory arbitration, whether or not the mediation results in resolution of all claims, and shall not thereafter be required to submit to arbitration. Nothing in this rule, however, precludes the parties from entering into arbitration in the event that mediation is unsuccessful in resolving the controversy.

13.011 REFERRAL TO ARBITRATION

- (1) A case subject to arbitration shall be transferred to arbitration when the case is at issue or 90 days have elapsed since its filing, whichever occurs first.
- (2) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to no longer be subject to mandatory arbitration, the party filing such a pleading must notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk shall then remove the case from arbitration.
- (3) The Court may remove a case from arbitration at any time.

13.035 ARBITRATION COMMISSION

The arbitration program shall function under the direction of an Arbitration Commission, which shall consist of a judge and at least two attorneys. The Trial Court Administrator is an ex officio member of the Commission.

13.101 GOOD FAITH ARBITRATION

All parties and attorneys shall comply with the arbitration rules and procedures and with the directions of the Court and arbitrator.

13.161 LOCATION OF ARBITRATION PROCEEDINGS

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

CHAPTER 15 - Small Claims

15.025 MANDATORY MEDIATION

Mediation in small claims cases is mandatory and shall proceed as set forth in SLR Chapter 12 unless the Court waives mediation for good cause.

Chapter 16 – Violations

16.001 VIOLATIONS BUREAU

By General Order of the Court and pursuant to ORS 153.800, the Court has established a Violations Bureau for the disposition of all violations.

16.005 TRIAL BY DECLARATION UNDER PENALTY OF PERJURY

Trial by declaration under penalty of perjury, as provided in ORS 153.080, is authorized by General Order of the Court for all violations unless consolidated with another pending charge. For trial by declaration under penalty of perjury, the defendant's submission must clearly waive the right to submit oral testimony in court in favor of written statement. The Court's election form, which includes the waiver, and declaration form are available on the Court's website.

Chapter 24 – eCourt Implementation

24.201 ELECTRONIC DOCUMENTS

- (1) Depending on the context, as used in these rules, "document" refers to an instrument in either paper or electronic form.
- (2) Documents that are electronically filed or manually imaged, including those to which judicial signatures have been added, and documents generated in electronic format by the Court are the official court record.

24.202 ELECTRONIC COURT SIGNATURES

The Court may issue judicial decisions electronically and may affix a signature by electronic means.

- (1) The Trial Court Administrator must maintain the security and control of the methods for affixing electronic signatures.
- (2) Only the judge and the Trial Court Administrator, or the judge's or Trial Court Administrator's designee, may access the methods for affixing electronic signatures.

24.203 COMBINED MOTION AND ORDER DOCUMENT NOT PERMITTED

Notwithstanding UTCR 2.010(12)(c) or any other Supplementary Local Rule, a motion and order may not be submitted as a single document. If a motion and corresponding proposed order are electronically filed, the order must be submitted as a separate document from the motion.

24.205 BINDING DOCUMENTS; USE OF STAPLES PROHIBITED

- (1) Pleadings and documents submitted to the Court for filing that are not electronically filed must be bound by paperclip or binder clip and must not contain staples.
- (2) If a document to be filed includes one or more attachments, including but not limited to a documentary exhibit, an affidavit, or a declaration, then
 - (a) the document and each attachment must be separately bound by paperclip or binder clip, and
 - (b) the attachment or attachments must be bound in one packet to the document being filed by paperclip or binder clip.
- (3) Subsection (2)(a) does not apply to an attachment to a motion to strike filed under UTCR 5.020(2) or an attachment to a motion for leave to amend a pleading filed under UTCR 5.070. An attachment of either type must be bound in one packet to the document being filed by paperclip or binder clip.

24.501 STIPULATED OR *EX PARTE* MATTERS MAY BE ELECTRONICALLY FILED

- (1) Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purposes of submitting to a judge for signature.
- (2) SLR 2.501 is reserved for judicial districts to adopt a local rule regarding specific stipulated or *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed.

24.601 SUBMISSION OF REQUESTED JURY INSTRUCTIONS AND VERDICT FORMS

The original of the requested jury instructions and verdict forms must be submitted to the Court. The Court also may require that a party submit a copy of the jury instructions and verdict forms, in the manner and time that the Court specifies.

24.801 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT; DOCUMENTATION FOR DEPARTMENT OF JUSTICE, DIVISION OF CHILD SUPPORT

Notwithstanding UTCR 8.010(8), parties who have been requested to submit a proposed judgment need not submit a copy of the proposed judgment and the most current confidential information form(s) to the Court.

24.901 DELIVERING PROBATE MATERIALS TO THE COURT, NO SELF-ADDRESSED, STAMPED ENVELOPE OR POSTCARD IF DOCUMENT ELECTRONICALLY FILED

UTCR 9.010 does not apply to an electronically filed document.

APPENDIX I
SEE SLR 7.031(2)

DOCKET CALL - CIVIL CASE
APPEARANCE IN WRITING

CASE NAME AND NUMBER: _____

TRIAL DATE: _____

DOCKET CALL DATE: _____

ATTORNEY NAME (or Party Name if unrepresented): _____

TRIAL ATTORNEY, IF DIFFERENT: _____

ATTORNEY/PARTY CONTACT PHONE NUMBER: _____

I make the following representations regarding this case:

ARE YOU READY FOR TRIAL WITH ALL WITNESSES SUBPOENAED? Yes No

IF NO, WHY NOT? _____

IF YES, Number of Witnesses: _____

Estimated Length of Your Portion of the Trial (including jury selection, if applicable): _____

Motion in Limine to be Filed: Yes No **MUST BE FILED 24 HOURS BEFORE TRIAL**

Jury trial? No Yes If yes, 12-person jury 6-person jury

ANTICIPATED PROBLEMS OR PRETRIAL ISSUES: _____

ESTIMATED TIME NEEDED FOR PRETRIAL ISSUES: _____

ISSUES AT TRIAL: _____

ODDS OF CASE SETTling PRIOR TO TRIAL: _____

SUBMIT WITNESS AND EXHIBIT LIST TO THE COURT 24 HOURS PRIOR TO TRIAL.

SIGNATURE: _____

DATE: _____

Note: Please review SLR 6.061 Regarding Jury Instructions

APPENDIX II

See SLR 8.045(2)

NOTICE

You must file an answer in writing to this Order within the time allowed by the Order. If you do not file a written answer within such time, the other side may be given whatever he or she is requesting in the motion. If you have any questions, you should see an attorney immediately.

In order to file an answer in writing, you must do the following things:

- (1) Your written answer must contain the title and number of this case.
- (2) Your written answer must specify the item or items of relief requested by the other side which you oppose. Although you do not need to state the reasons why you oppose the requested relief, your answer will be more easily understood if you do. Your answer will have more authority if it is in the form of a sworn affidavit but this also is not required.
- (3) Your written answer 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 answer 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 answer must be mailed or presented to the clerk of the Court so as to actually reach the clerk of the Court within the time allowed.
- (5) Your written answer must be accompanied by payment of any filing fee required by law for the filing of the answer, 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 answer with the clerk of the Court, you must mail a copy of the answer to the attorney for the other side or to the other side personally if he or she is not represented by an attorney. You must attach a certificate showing proof of mailing to the answer which you file with the clerk. If you properly file a written answer, 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. If you do not file an answer within the time allowed, the relief requested may be granted. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion with an affidavit, and you must mail a copy of the motion and affidavit to the attorney for the other side or to the other side personally if he or she is not represented by an attorney.