

RULES
OF THE
14TH JUDICIAL DISTRICT
OF THE STATE OF OREGON
FOR
JOSEPHINE COUNTY

**CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES
OF THE CIRCUIT COURT OF JOSEPHINE COUNTY,
FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON**

I, Lindi L. Baker, Presiding Judge of the Fourteenth Judicial District of the State of Oregon, hereby certify that attached hereto is a complete, true, and correct copy of the Supplemental Rules for the Circuit Court of the State of Oregon for Josephine County, effective February 1, 2014.

Dated this 2 day of December, 2013.

/s/ Lindi L. Baker
Lindi L. Baker
Presiding Judge
Fourteenth Judicial District
State of Oregon

**SUPPLEMENTARY LOCAL RULES OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR JOSEPHINE COUNTY
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CHAPTER 1
GENERAL PROVISIONS

1.151 HOURS OF COURT OPERATION

- (1) Unless otherwise ordered due to emergency conditions, information regarding business hours for the Fourteenth Judicial District can be found at: <http://courts.oregon.gov/Josephine/>.
- (2) A drop box will be available until 5:00 p.m. for filings and payments. The drop box is located next to the Court Services Window on the second floor of the main courthouse, 500 N.W. 6th Street, Grants Pass, Oregon. Documents deposited prior to 5 p.m. will be filed the same day. Documents deposited after 5 p.m. will be filed on the next business day. Receipts for filing fees will be provided if a self-addressed, stamped envelope is attached to the filing. Documents without the appropriate filing fee attached will not be accepted for filing and will be returned to the party.

1.171 COURT WEBSITE

Josephine County Courts has a website which lists information about our court. The website address is:

<http://courts.oregon.gov/josephine/>

1.175 MAILING ADDRESS

The mailing address for Josephine County Circuit Court is 500 NW 6th Street, Department 17, Grants Pass, Oregon 97526.

CHAPTER 3

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the public hallways outside of any courtroom or court office. Upon request, on a case by case basis, the court will consider designating an area outside courtrooms and prohibited court areas for media and public access coverage.

3.182 USE OF CELL PHONES AND OTHER COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCING CAPABILITY

(1) Cell phones and other personal data or communication devices which have audio recording, photographic or other visual image recording or reproduction capability:

- (a) constitute public access coverage equipment as defined in UTCR 3.180;
- (b) such devices may be used in a facility occupied by the court only as provided by UTCR 3.180, SLR 3.181, and this rule;
- (c) must be turned off when entering any courtroom in any facility occupied by the court, while conducting business at court service counters and must not be turned on for any use in a courtroom without complying with UTCR 3.180 and this rule.

(2) Cell phones or other communication devices may be used in areas outside of a courtroom, as defined in UTCR 3.180 and SLR 3.181, in a facility occupied by the court without violating this rule or SLR 3.181, provided that such use is restricted to the transmission of the user's oral communication only and does not involve any operation or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.

(3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

**CHAPTER 4
PROCEEDINGS IN CRIMINAL CASES**

4.005 MOTIONS TO WITHDRAW

When a motion is brought before the court requesting that an attorney be allowed to withdraw from representation of a defendant prior to disposition and the effect of the withdrawal will leave the defendant in pro se status, the court will require the following:

- (1) Both the attorney and the defendant must appear before the court for determination of the motion, regardless of whether the request to withdraw was filed by the defendant or by counsel. The only exception will be if the defendant is in abscond status. A hearing notice for a Monday morning Motion Docket appearance will be sent to counsel by the Calendar Clerk.
- (2) A current mailing address for defendant must be provided to the court at this appearance.

4.015 MOTIONS TO CONSOLIDATE

- (1) Motions to Consolidate will be held for objections for three (3) court days with a ruling by the court on the fourth (4th) day or thereafter. If the proof of service attached to the motion indicates that service was done by mail, an additional three (3) days will be added to the holding period.
- (2) If opposing counsel objects, the objection shall be in writing and submitted to the court within the three (3) day review period. Upon receipt of a written objection, the file will be set on the next available Motion Docket.
- (3) If the motion indicates all parties are in agreement to the consolidation, the three (3) day review period will be waived.

**CHAPTER 5
PROCEEDINGS IN CIVIL CASES**

5.051 MOTION HEARINGS

If oral argument is requested by either party, the matter shall be set for hearing. Motions requiring twenty (20) minutes or less will be scheduled on the motion calendar which is heard on Mondays at 8:30 a.m. Motions requiring more than twenty (20) minutes will be set for a time certain hearing.

5.061 PRESENTATION OF EX PARTE ORDERS

- (1) Stipulated or ex parte orders may be presented by a party or attorney of record having knowledge of the subject matter at the main courthouse Court Services Window Monday through Friday of each week from 8:00 – 8:15 a.m., and not otherwise except in case of emergency. If the matter has been assigned a judge, the party or attorney of record may either deliver the ex parte order to the assigned judge or contact the judicial assistant to make arrangements to make presentation to the judge.
- (2) Domestic relations stipulated or ex parte orders as appropriate pursuant to SLR 8.041 may be presented by a party or attorney of record having knowledge of the subject matter at the Family Court Service Window Monday through Friday of each week at 8:15 am, and not otherwise except in case of emergency.
- (3) Except where otherwise authorized by statute, all motions and affidavits seeking an ex parte order and/or judgment of default shall state the method of service and date and time service was made and perfected. In addition to a declaration in the affidavit, this information shall be set forth in the first line of the motion.

**CHAPTER 6
TRIAL PROCEDURES**

6.012 PRE-TRIAL SETTLEMENT CONFERENCE PROCEDURES

The following procedures shall apply to pre-trial settlement conferences in all pending civil and domestic relations cases, when ordered by the court pursuant to UTCR 6.010, 6.200, or requested by a party or the party's attorney:

- (1) If one party requests a pre-trial settlement conference, the settlement conference shall be held unless the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pre-trial settlement conference. However, the assigned judge may permit telephone appearances in lieu of personal appearance for good cause.
- (3) Each pre-trial settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the assigned judge or by agreement of all attorneys and parties.
- (4) The pre-trial settlement conference shall not delay the trial scheduling.
- (5) Pre-trial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.
- (6) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, unless otherwise ordered by the court, in accordance with UTCR 6.020.
- (7) A pretrial conference order as attached hereto as Appendix 1 shall be prepared by the court at the conclusion of each conference.

6.013 SUBMISSION OF JURY INSTRUCTIONS

Not later than the commencement of trial, each party in a civil case must submit to the court an electronic copy of all proposed special jury instructions and all modified uniform jury instructions. The electronic copy must be in jury-ready form. The electronic copy must be in Microsoft Word format. This rule is in addition to the requirements of ORCP 59A, UTCR 6.060 and UTCR 6.070. For good cause shown, a party may request relief from the requirements of this rule.

CHAPTER 6 CONTINUED

6.014 MOTIONS TO CONTINUE TRIALS

- (1) All motions for continuance of trial must be in writing and follow UTCR 6.030. Additionally, if the motion is based on a conflicting proceeding in another court, it must follow UTCR 6.030(3). Non-compliance may be grounds for denial.
- (2) All criminal and civil motions will be sent to the Presiding Judge and domestic relations motions to the Family Court Judge except the following:
 - (a) Motions filed on a case assigned to a specific judge will be directed to that judge;
 - (b) Motions filed after docket call will be directed to the designated trial judge;
 - (c) Motions filed twenty-four (24) hours prior to docket call will be directed to the docket call judge;
 - (d) Motions requesting oral argument will be set for hearing, if time allows.

6.015 TRIAL FEES

In civil and domestic relations cases, trial fees for the first day of trial are payable no later than the morning of trial. The fee for any subsequent day(s) is to be paid on the last day of trial.

6.021 SUBMISSION AND COPIES OF MOTIONS, BRIEFS, MEMORANDA, AND POINTS AND AUTHORITIES; COPIES TO BE DESIGNATED TRIAL COURT COPY

- (1) In civil and domestic relations cases, motions, briefs, trial memoranda, and exhibit lists shall be delivered to the court and opposing counsel at least two days prior to the commencement of the scheduled proceeding pursuant to ORCP 10.
- (2) A copy of the motion, brief, trial memorandum, exhibit list and Uniform Support Declaration pursuant to 8.010(4)(5) shall be submitted for the use of the judge and shall be designated "TRIAL COURT COPY."

**CHAPTER 7
CASE MANAGEMENT AND CALENDARING**

7.011 COURT NOTIFICATION OF PLEAS OR STIPULATIONS

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof, will be considered or enforced unless the same be made in open court in the presence of the parties and reported or reduced in writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court. Parties shall submit pleas using the Plea Petition Form supplied by the court and attached hereto as Appendices 1 and 2.

7.012 STATUS HEARING IN CRIMINAL CASES

- (1) A status hearing will be held in advance of the trial date. The date and time of the status conference will be set at arraignment.
- (2) All investigations, discovery, negotiations and plea agreements shall be completed by the status hearing.
- (3) The attorney for each party and defendant shall appear at the status hearing.
- (4) Unless the case is resolved, the parties shall provide the court with a completed Status Report Form, bearing the signatures of each attorney. The form will be furnished by the court and is attached hereto as Appendices 3 and 4.
- (5) The parties shall report to the court the status of the case. In the absence of settlement, the parties shall appear in court and report:
 - (a) Whether the case is complex, subject to UTCR 7.030;
 - (b) Whether a jury trial is desired;
 - (c) Probable length of trial;
 - (d) The need for a pretrial hearing;
 - (e) Whether the parties will file any motions; and,
 - (f) Identify areas remaining at issue or any other matter affecting the case.

7.013 PRE-TRIAL CONFERENCES – CRIMINAL/CIVIL

Criminal Pre-Trial Conference

- (1) Pretrial conferences will be set for individual cases upon written request of either party, using the State/Defense Status Report Form supplied by the court and attached hereto as Appendices 3 and 4.
- (2) All criminal defendants will be required to be present for the pretrial conference unless prior approval is granted by the court excusing defendant's presence.

Civil Pre-Trial Conference

- (3) Upon request of a party or counsel, or when ordered by the court, a pretrial conference shall be held pursuant to UTCR 6.010 when any issue needs to be addressed before trial or upon other good cause. A pretrial conference order as attached hereto as Appendix 5 may be prepared by the court at the conclusion of each conference.

7.014 MOTIONS TO CONTINUE HEARINGS AND STATUS HEARINGS

- (1) Hearings of two hours or less may be continued by stipulation without a written motion if the court is notified more than forty eight (48) hours before the scheduled hearing.
- (2) All motions for continuances of hearings of more than two hours must be in writing and follow UTCR 6.030. Non-compliance may be grounds for denial.
- (3) All motions will go to the Presiding Judge or Family Court Judge except those that are filed forty eight (48) hours or less prior to hearing. Those motions will be sent to the scheduled hearing judge.
- (4) For attorneys that are double-set, a written Motion to Continue following UTCR 6.030 will be required unless the attorney contacts the Docket Clerk within fourteen (14) calendar days of the hearing notice and all parties stipulate to the request.

7.015 MOTIONS TO CONTINUE PENDING CASES ON COURT DOCKET

- (1) Motions and proposed orders must be submitted in writing. Telephone requests will not be accepted.
- (2) The first request, if allowed, will be granted for sixty (60) days. Subsequent requests, if allowed, will be in sixty (60) day increments.

7.016 DOCKET CALL

- (1) Criminal and civil docket call shall be held at 8:15 a.m. on the Wednesday before the scheduled trial.
 - (a) Attorneys of record and unrepresented parties shall appear in person for docket call. Attorneys may appear by telephone 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.

- (2) See SLR 11.021 for rule on Juvenile docket call.

7.017 DISMISSAL OF INACTIVE CASES

- (1) After the court has rendered a decision in any civil or domestic relations case, if a party does not submit a proposed order or judgment for a period of sixty (60) days or more, the Trial Court Administrator shall send a notice to the parties notifying them that the case will be dismissed if an order or judgment is not received within thirty (30) days.
- (2) If an order or judgment is not received within thirty (30) days of the notice sent pursuant to Section (1) of this rule, the case shall be dismissed without prejudice unless otherwise ordered by the court.
- (3) A dismissal pursuant to this rule may be vacated upon a showing of good cause supported by affidavit.

CHAPTER 8 DOMESTIC RELATIONS PROCEEDINGS

8.015 DOMESTIC RELATIONS CO-PARENTING EDUCATION PROGRAMS

(1) Josephine County Circuit Court has established domestic relations education programs as authorized by ORS 3.425.

(2) The following cases are subject to these programs:

(a) annulment or dissolution of marriage actions;

(b) legal separation actions;

(c) petitions to establish paternity, custody or parenting time by unmarried parents; and

(d) post-judgment litigation involving changes in custody or parenting time in which the parties have not previously completed these programs.

(3) Co-Parenting Education Program

(a) All parents of a child under the age of 17 years shall successfully complete a court-approved Co-Parenting Education Program.

(b) Court action in these cases will 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 program, unless the noncomplying party is the moving party in the action.

(i) Upon a party's failure to successfully complete the program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.

(ii) Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child.

(iii) A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.

(c) The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A statement of the requirements of the program and instructions on how to register for the program (Appendix 6) shall be served by the initiating party on all parties against whom relief is sought. Service shall be accomplished as provided

in ORCP 7 at the time the initiating documents are served. All parties other than the initiating party shall register for the program within 30 days after service of the notice upon them.

(d) The program provider shall issue a Certificate of Completion which includes the date of completion, to the court when the participant has completed the program.

(e) Upon a showing of good cause, a party may request permission to complete a court-approved online version of the program instead of attending a live presentation of the program. Mere inconvenience is not good cause. The request must be made by written motion, supported by affidavit. "Good cause" includes:

(i) that the party's work schedule or other committed obligations are such that it would be an extreme hardship to attend the live presentation; or

(ii) that the party is in poor health and a doctor states, in writing, that the party should not attend. A copy of that writing must be included with the affidavit; or

(iii) other substantial reasons showing that it would be an extreme hardship for the party to attend the live presentation.

(f) Upon a showing of good cause, a party may request waiver of the attendance requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 30 days of receipt of the notice of requirements of this program. "Good cause" includes the considerations listed in subsection (e) of this rule.

(4) Service Provider

(a) Co-Parenting Education service providers shall be designated by the Presiding Judge or Family Court Judge.

(b) Each party shall pay a fee at the time of registration for the Co-Parenting Education Program as determined by the program provider to cover the costs for the Co-Parenting Education Program.

(c) The fee may be deferred by the Service Provider. A party seeking deferral must contact the Service Provider directly. In cases of extreme hardship, and after attempting to resolve the issue with the Service Provider, a party may request the court to waive the requirement to attend the Co-Parenting Education Program.

8.025 DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships may prepare a joint property exhibit list similar to Appendix 7 if there is any dispute as to the division or valuation of personal property.
- (2) The exhibit list is to contain:
 - (a) each item of property
 - (b) in columns to the right of the property list there is to be
 - (i) each party's estimate of fair-market value
 - (ii) each party's proposed distribution
 - (iii) any claim as to pre-marital or inherited property
 - (c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property
 - (d) the last page shall have a total for each party based upon their claim for the item and their estimated fair-market value
 - (e) Disputed property shall be summarized on an additional sheet
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The exhibit list is to be prepared pre-trial and submitted to the court at the beginning of the final hearing.

8.041 PRE-JUDGMENT RELIEF

- (1) No matter shall be heard ex parte (i.e., without notice to the other side) unless specifically authorized by Oregon Statute or court rule. Any motion presented without notice to the other party shall comply with UTCR 5.060(2) (contain the words "ex parte" in the caption) and shall also cite the specific statute or rule that allows the motion to be presented without notice.
- (2) Except where a statute or rule explicitly allows an appearance without notice to the other party, a party seeking relief at scheduled or specially-arranged ex parte times must provide one judicial days' notice to the opposing party of the date, time and court where the relief will be sought. The party seeking relief at ex parte time must provide written certification of the date, time, and manner in which the opposing party was provided notice of the planned appearance as well as the opposing party's position on the matter to be presented.

- (3) Pursuant to ORS 107.095(1)(a) and (b), temporary child and spousal support and suit funding shall be determined without testimony, based on the Uniform Support Declarations and supplemental affidavits filed by the parties using the following procedure:
 - (a) The moving party must file a Uniform Support Declaration along with the motion and affidavit for an order of temporary support. The motion must include, prominently displayed on the first page, a notice to the responding party stating, in substance, the responding party's obligations under paragraph (b) of this subsection. The notice also must state: "If you do not respond, the court may take action based on this motion. You may be ordered to pay support in the amount requested. Refer to SLR 8.041(3) for further information."
 - (b) The adverse party must file a Uniform Support Declaration within fourteen (14) days of being served with the moving party's motion and documentation, or within 30 days of being served with the petition and summons if the motion for temporary support is served with the summons. The adverse party may also submit a supplemental affidavit responding to specific statements made in the moving party's documentation. The adverse party's supplemental affidavit, if any, must be filed along with the Uniform Support Declaration.
 - (c) The moving party may respond to the adverse party's responding documentation by supplemental affidavit within fourteen (14) days of being served with the adverse party's documentation. In any case involving temporary child support, the documents filed by the parties with the court shall include applicable child support computation worksheets.
 - (d) The court will determine the matter within fourteen (14) days after the last filing by a party. The court may, on its own motion, order that the matter be determined through an evidentiary hearing.
- (4) Notwithstanding the provisions of subsection (3), a party may request that temporary support be established through an evidentiary hearing. The request must show good cause and state why the procedure of subsection (3) would lead to an unjust or inequitable result.

Chapter 8.041 Continued

- (5) A temporary support order may be modified under the procedure of subsection (3) or (4). The moving party must show good cause and state why the temporary support obligation should be reconsidered by the court instead of awaiting final determination at the trial.

8.075 PARENTING PLAN

- (1) Josephine County has adopted a standardized parenting plan, as per UTCR 8.070, which can be at <http://courts.oregon.gov/Josephine>.
- (2) Unless otherwise directed by the Court, or the parties stipulate to a different schedule of parenting time which is approved by the Court, a parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guidelines which are set forth in the Josephine County Circuit Court Standard Parenting Plan form referred to in paragraph (1) above.

**CHAPTER 9
PROBATE AND ADOPTION PROCEEDINGS**

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN /
CONSERVATOR

- (1) Any interested person, as described in ORS 125.075(1), who has an oral objection to a petition in a protective proceeding should contact a court clerk at (541) 476-2309 or appear in person at the Civil Service Window in the Josephine County Courthouse, 500 NW 6th Street, Grants Pass, Oregon 97526 during normal business hours. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the petition and would like to speak to the judicial assistant of the judge assigned to the case. The clerk will receive oral objections and the objecting party will be provided a written objection form as contained in Appendix 8. Upon receipt of the objection the court will schedule a hearing at Josephine County Courthouse and notify the appropriate parties.

9.091 VISITOR'S APPOINTMENT AND FEES

- (1) The Visitor shall not be appointed, nor undertake an investigation until the Visitor's fee has been paid to the court. The fee is payable at the time of filing. The only exception is if the court approves an affidavit of indigency.
- (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.

**CHAPTER 11
JUVENILE COURT PROCEEDINGS**

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.

11.021 JUVENILE DOCKET CALL

Juvenile docket call is held Mondays at 9:00 a.m. at Family Court. It is expected that all attorneys will appear for docket call, irrespective of case type or party representation. Parents in dependency cases must be present. Juveniles in delinquency cases must be present.

CHAPTER 12 MEDIATION

12.015 MATTERS SUBJECT TO MEDIATION

- (1) SLR 12.015 through 12.041 applies to Domestic Relations cases.
- (2) SLR 12.045 through 12.101 applies to all other mediation matters.

12.021 MANDATORY MEDIATION

- (1) Any petition (except those matters filed pursuant to the Family Abuse Prevention Act, ORS 107.700 through 107.730) filed in Circuit Court involving a controversy over custody or parenting time of minor children shall be subject to mediation.
- (2) The mediator shall not consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time. No referrals to arbitration shall be made after a parenting time order is approved or mediation is terminated pursuant to Court Rules.

12.025 SCOPE OF AUTHORITY

A domestic relations case filed in the Circuit Court remains under the scope of authority of that court in all phases of the proceedings, including mediation. The court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. Any 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.

12.031 MEDIATION

- (1) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parties concerning custody or parenting time at any stage of a domestic relations proceeding, both parents, or their attorneys, may sign and file with the court a Stipulated Request for Mediation, in substantially the form as of that attached to these rules as Appendix 9. The parents will be referred by the court for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their Stipulated Request for Mediation.

- (2) Commencement of Mediation by Request for Mediation by One Parent

If there is a disagreement between the parents concerning custody or parenting time at any stage of a dissolution of marriage proceeding, either parent seeking to resolve the matter must file with the court and serve upon the other parent, or his/her attorney, a Request for Mediation in substantially the form as attached hereto as Appendix 10.

Both parents appearing for mediation orientation shall report to the Josephine County Juvenile Department, 301 N.W. 'F' Street, Grants Pass, Oregon 97526 at 8:15 A.M. on the second Monday following the day that the other party is personally served, or has been mailed a copy of the Request for Mediation.

In the event of a Stipulated Request for Mediation, both parents may appear at the next scheduled Monday mediation orientation.

(3) Temporary Custody and Parenting Time Orders

At any point during the mediation, the court may approve a Temporary Custody and Parenting Time Order reflecting the parents' agreement as to the issues.

(4) Good Faith Required

Mediation shall not be used by any parent in bad faith for the purpose of delaying resolution of other issues. If the court finds at any time that the mediation process is being misused in violation of this rule, it may determine that mediation has been unsuccessful.

12.035

INDEPENDENT MEDIATORS

- (1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation.
- (2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.
- (3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or parenting time dispute, the parties will be required to enter into mediation pursuant to Rule 12.031 herein.
- (4) If the parties select an independent mediator pursuant to Rule 12.035(1) after a referral has been made to mediation, they shall then comply with Rule 12.035(2) and send a copy of the stipulation to the court.

12.041

LITIGATION OF UNRESOLVED CONFLICT

(1) Notice of Unsuccessful Mediation

The mediator shall notify the court in writing of mandatory mediation cases in which further attempts at mediation will prove unsuccessful or detrimental to the interest of either party.

12.045 MEDIATION FOR MATTERS OTHERWISE SUBJECT TO ARBITRATION

Litigants may satisfy the requirements for mandatory arbitration pursuant to ORS 36.405 by participating in court mediation.

12.051 MEDIATION PROGRAM MONITORING

In addition to his/her other duties, the Trial Court Administrator shall monitor the court mediation program, advise the court regarding mediation services and review qualifications and training of mediators.

12.055 MEDIATION PANEL ESTABLISHED

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

12.061 APPOINTMENT OF MEDIATION PANEL

- (1) To apply for inclusion on the Josephine County panel of mediators, a person must submit a letter with the court outlining mediation training and other qualifications.
- (2) The Trial Court Administrator shall review each letter 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 comprises the panel shall be made by the presiding judge.

12.065 REMOVAL FROM MEDIATION PANEL

- (1) The Trial Court Administrator 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 his/her discretion.

12.071 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.

12.075 REFERRAL TO MEDIATION

- (1) Upon appearance of the parties and determination of the case, the clerk of the court will notify the parties of SLR 12.021 requiring participation in an alternative dispute resolution program.
- (2) The case shall be assigned to mediation unless a request for arbitration is made by one of the parties.

12.081 EXEMPTION FROM MEDIATION

A party may file a written objection to mediation with the court, the action shall remove the case from mediation and the matter will be referred to arbitration.

12.085 ASSIGNMENT OF MEDIATOR AND SCHEDULING

- (1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.021 to a mediator.
- (2) The mediator will assign the date, time and 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 36.185 to 36.210.

12.091 COMPENSATION OF MEDIATORS

- (1) Mediation fees shall be the same as those paid to arbitrators appointed in Josephine County.
- (2) 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.
- (3) 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.
- (4) If arbitration is requested subsequent to the appointment of a mediator, but prior to any mediation occurring, the parties shall be required to pay the mediator a fee of \$25 each.

12.095 COMPLETING MEDIATION

All cases 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 the settlement to the mediator and the mediator shall file a notice of the settlement with the court.

12.095 Continued

- (2) The result 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 within 10 judicial days filed by the mediator with the clerk of the court.
 - (a) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.
 - (b) In the event the creditor fails to file a report of compliance or non-compliance within 30 days after the final date for compliance, or reports 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.

12.101

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
ARBITRATION**

13.005: ARBITRATION

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

13.011 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR 12).

13.021 COMPENSATION OF ARBITRATORS

- (1) Each party in a case subject to arbitration shall pay the arbitration fee within fourteen (14) calendar days of receipt of Notice of Assignment of Arbitrator. Each party must pay the assigned arbitrator directly.
- (2) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the court may exercise its authority under UTCR 1.090(2).
- (3) Any dispute regarding any action taken by the arbitrator to enforce or implement UTCR 13.120(1), (2), or this supplemental local rule shall be resolved by the court in a summary manner, after affording the parties and the arbitrator an opportunity to be heard. No such action by the arbitrator shall be reversed or modified by the court unless it is established that the arbitrator has failed to follow these rules or acted in an arbitrary and capricious manner.

13.121 TIME FOR ARBITRATION HEARING – 91 DAY TIME PERIOD PURSUANT TO UTCR 13.160(2)

Pursuant to UTCR 13.160(2), except for good cause shown, the hearing must be scheduled to take place not later than 91 days, measured from the date of assignment to arbitration. With the exception of applying this 91 day time period in place of the 49 day time period set in UTCR 13.160(3), all other requirements of UTCR 13.160(3) and (4) apply to the scheduling, postponement or continuance of an arbitration hearing.

**CHAPTER 15
SMALL CLAIMS**

15.005 SMALL CLAIMS MEDIATION

- (1) All contested small claims cases shall be subject to mediation, pursuant to ORS 36.185. A case will be removed from mediation and proceed in the normal fashion if either party makes the request to the mediator following the orientation session.
- (2) Mediation services shall be provided by the court without cost to the litigants.
- (3) An authorized representative may appear on behalf of a business but must be familiar with the facts of the case and must have full authority to settle.
- (4) Agreements reached while in mediation shall be signed by the parties and filed with the court.
- (5) Failure to either party to abide by the agreement will be grounds for the opposing party to file an Affidavit of Non-Compliance and obtain a judgment on the original claim.
- (6) Parties of cases subject to the small claims mediation program must attend an orientation session prior to participation in mediation. The court shall notify all parties through written notice of their scheduled session date.

CHAPTER 16 VIOLATIONS

16.015 VIOLATIONS BUREAU

- (1) Pursuant to ORS 153.800, the Fourteenth Judicial District establishes a Violations Bureau.
- (2) The Violations Clerk shall accept written appearance, waiver of trial, plea of not guilty, guilty and no contest, payment of fines, costs and assessments, and change of plea.
- (3) A person may appear at the Violations Bureau or may pay the Violations Bureau fine and assessment by mail.

16.025 SETTING ASIDE DEFAULT JUDGMENTS

A defendant against whom a default judgment is entered in a violation matter may file a request for relief from default judgment within a reasonable time, not to exceed six (6) months. A request for relief must be in writing and set forth facts which demonstrate that the failure to appear or to exercise one of the options described in SLR 16.015, was due to mistake, inadvertence, surprise or excusable neglect. At the time the request for relief is filed, the defendant must pay to the court the amount of the fine, assessments and costs associated with the judgment. The payment requirement may be waived by the Administrative Authority for good cause. A request for relief will not be filed until the payment is made or waived. The request may be decided without a hearing or may require the defendant to appear and present oral argument. The decision of the Administrative Authority is final.

16.030 TRIAL BY AFFIDAVIT

If a signed waiver is filed by the alleged violator, testimony in a violation trial is allowable by affidavit pursuant to ORS 153.080. See SLR Appendix 11.

APPENDIX

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

STATE OF OREGON,)
 Plaintiff,)
 vs.)
 _____,)
 Defendant.)

Case No. _____
 CHARGE(s): _____

PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
 WITHOUT AID OF AN ATTORNEY AND ORDER
 PERMITTING THE SAME

The above named Defendant respectfully represents to the Court as follows:

(1) My true name is _____.
 I am _____ years of age

(Circle one) I can / cannot read, write and understand the English language, however I have / have not had the assistance of a qualified interpreter for this case and plea. (Circle one)

(2) I request all proceedings against me to be made in the name which I have hereby declared to be my true name.
 (3) I am not represented by counsel, and it is my decision to knowingly and freely waive my right to representation. I understand that if I would like to speak to an attorney, the Court would give me time for that purpose. I also understand that if I cannot afford to hire an attorney, one may be appointed to represent me at public expense. In spite of these rights it is my wish to proceed and represent myself in these proceedings.

(4) I am confident that I am aware of all the facts and surrounding circumstances concerning the matters mentioned in the complaint/information/indictment. I understand that if I would like more time to discover additional facts and information, including, but not limited to, police reports and witnesses statements, that the Court would give me additional time for that purpose. I choose not to request additional time.

(5) I understand that the maximum punishment which the law provides for the offense charged in the complaint/information/ indictment, is as follows:
 Count 1: \$ _____ Fine _____ Months / Years Imprisonment
 Count 2: \$ _____ Fine _____ Months / Years Imprisonment
 Count 3: \$ _____ Fine _____ Months / Years Imprisonment
 Count 4: \$ _____ Fine _____ Months / Years Imprisonment
 Additional Counts: _____.

(6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a trial without unreasonable delay before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.

(7) I also understand that a prior criminal record cannot be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.

(8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____ and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.

(9) There is nothing about the proceedings in this case nor the charges pending against me which I do not fully understand.

(10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.

- (11) I have not taken any substance which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.
- [] (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.
- [] (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
- [] (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.
- [] (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.
- (14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.
- (15) This plea applies to the following counts: _____
- (16) I am aware that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.
- [] (17) I agree that if I withdraw or if a court later reverses, vacates, or sets aside my plea of "Guilty" or "No Contest" in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the district attorney no longer will be bound by any promises made to me in exchange for my plea. If the court reinstates the charge(s), I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights applicable to the dismissed charges.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

***** ORDER *****

WHEREAS, the allegations contained in the complaint/information/indictment have been read to the Defendant and the Defendant appears to fully understand those allegations; and
 WHEREAS, the Defendant's constitutional and statutory rights have been explained to the Defendant and he/she states that he/she understands those rights; and
 WHEREAS, the Defendant's plea of guilty or no contest in the foregoing petition stipulates to a factual basis for this plea or is entered pursuant to the Alford case; and
 WHEREAS, the Defendant's plea appears to be voluntarily and understandingly made; and
 WHEREAS, good cause appearing therefore from the foregoing petition of the Defendant above named, and from all proceedings heretofore had in this case, NOW THEREFORE,
 IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:
 [] GUILTY be accepted and entered as prayed in the above petition;
 [] NO CONTEST be accepted and entered as prayed in the aforesaid petition.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

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

STATE OF OREGON,)	Case No. _____
vs.	Plaintiff,)	CHARGE(s): _____
)	_____
)	
_____)	PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
Defendant.)	AND ORDER PERMITTING THE SAME

The above named Defendant respectfully represents to the Court as follows:

- (1) My true name is _____.
I am _____ years of age.

 _____ I read, write and understand the English language.
 _____ I do not read, write and understand the English language, however I have had the assistance of a qualified interpreter for this case and plea.
- (2) I request all proceedings against me to be had in the name which I have hereby declared to be my true name.
- (3) I am represented by counsel and the name of my attorney is _____, I have received a copy of the complaint/information/indictment before being called upon to plead and have read the same, discussed it with my attorney and fully understand all charges made against me.
- (4) I have told my attorney all the facts and surrounding circumstances as known to me concerning the matters mentioned in the complaint/information/indictment and believe that my attorney is fully informed as to all such matters. My attorney has since informed me and has counseled and advised with me at length as to the nature and cause of each accusation against me as set forth in the complaint/information/indictment and as to any possible defenses I might have in this case.
- (5) My attorney has advised me as to the maximum punishment which the law provides for the offense charged in the complaint/information/indictment as follows:

Count 1: \$ _____	Fine _____	Months / Years Imprisonment _____
Count 2: \$ _____	Fine _____	Months / Years Imprisonment _____
Count 3: \$ _____	Fine _____	Months / Years Imprisonment _____
Count 4: \$ _____	Fine _____	Months / Years Imprisonment _____

 Additional Counts: _____
- (6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a speedy trial before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.
- (7) I also understand that a prior criminal record could not be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.
- (8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____ and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.
- (9) I believe that my attorney has done all that anyone could do to counsel and assist me and that there is nothing about the proceedings in this case against me which I do not fully understand. I am satisfied with the advise and help my attorney has given me.
- (10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.

- (11) I have taken no drink or drug nor anything else which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.
- [] (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.
- [] (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
- [] (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.
- [] (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.
- (14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.
- (15) This plea applies to the following counts: _____
- (16) I have been advised by my attorney that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.
- [] (17) I agree that if I withdraw or if a court later reverses, vacates, or sets aside my plea of "Guilty" or "No Contest" in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the district attorney no longer will be bound by any promises made to me in exchange for my plea. If the court reinstates the charge(s), I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights applicable to the dismissed charges.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

CERTIFICATE OF COUNSEL

The undersigned, as attorney for the Defendant above named hereby certifies as follows:

- 1) That I have read and fully explained to the Defendant the allegations contained in the complaint/information/indictment in this case.
- 2) That I have explained to defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together.
- 3) That to the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 4) That the plea of guilty or no contest as offered by the Defendant in the foregoing petition and stipulation to a factual basis for this plea as related to me by the Defendant is consistent with my advice to the Defendant.
- 5) That in my opinion the Defendant's plea is voluntarily and understandingly made, and I recommend to the Court that the plea be accepted by the Court, and entered on behalf of the Defendant as requested.
- 6) I have explained to Defendant any limitation on the right to appeal the judgment of conviction and sentence, a notice of the same is filed herein.
- 7) I am aware that, if Defendant is eligible to be represented by court-appointed counsel on appeal, I am responsible for determining whether Defendant wishes to appeal and, if Defendant wishes to appeal, I am responsible for transmitting the information necessary to initiate an appeal to the Office of Public Defense Services.

Signed by me in open Court in the presence of the Defendant above named and after full discussion of the contents of this certificate with the Defendant this _____ day of _____, 20_____.

ATTORNEY FOR DEFENDANT

***** ORDER *****

Good cause appearing therefore from the foregoing petition of the Defendant above named, and the certificate of Defendant's counsel, and from all proceedings heretofore had in this case,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:

GUILTY be accepted and entered as prayed in the above petition and as recommended by the certificate of counsel;

NO CONTEST be accepted and entered as prayed in the aforesaid petition and as recommended by the certificate of counsel.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY

STATE OF OREGON)
)
) Plaintiff,) State Status Report
)
 vs.) Criminal Case No. _____
)
)
 _____,)
 Defendant.)

DISCLOSURE

A. Witness List: The State of Oregon presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The State of Oregon presently intends to call the following out of state witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

B. Defense counsel has been provided with the address of the above persons.

____ yes ____ no

C. Defense counsel has been provided with a copy of all police reports, presently known by the State, in this case: ____ yes ____ no (if "no" list those not provided)

D. Defense counsel has been provided with copies of all written recorded statements or memoranda of any oral statements of the above persons and of the defendant or co-defendant' ____ yes ____ no (if "no" list those not provided)

E. The State has complied with ORS 135.815, requiring disclosure to the defense of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery: yes ____ no (if "no" list those not provided)

F. Defense counsel has been given complete criminal history reports on the following persons:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

G. The State intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: ____ yes ____ no

H. The State presently intends to file the following motions:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

I. The state requests the court for a pretrial hearing: ____ yes ____ no

J. The state presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

Deputy District Attorney / Date

FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY

STATE OF OREGON)	Defense Status Report
)	
vs.)	Criminal Case No.
)	

Defendant.		

DISCLOSURE

A. Witness List: The defense presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The defense presently intends to call the following out of state witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

B. The State has been provided with the address of the above persons.
 yes no

C. The State has been provided with copies of all written or recorded statements or memoranda of any oral statement of the above persons (other than the defendant)
 yes no (if "no" list those not provided)

D. Defense has complied with ORS 135.835, requiring disclosure to the state of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery:
 yes no (if "no" list those not provided)

E. The defense intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: yes no [(if "no" list those not provided)]

F. The Defense presently intends to file the following motions:

1. _____	3. _____
2. _____	4. _____

G. The defense requests a jury trial: yes no
 (If "yes", the defense request a ___6___12 person jury).

H. The defense requests the court for a pretrial hearing: yes no

I. The defense presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

_____/_____
 Defense Counsel Date

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

	Plaintiff/Petitioner,)	CASE NO. _____
v.)	
	Respondent/Defendant.)	PRETRIAL CONFERENCE ORDER

This matter came before this court on _____ for a pretrial conference.

____ 1. The parties have indicated that they are prepared to proceed and the following order is entered in anticipation of the trial being conducted on _____.

____ 2. The case was set for trial on _____ and has been continued to _____.

____ 3. A further pretrial conference is set for _____.

____ a. The following discovery shall be completed before the next pretrial:

____ b. The case is ordered to mediation, which shall be completed before the next pretrial conference.

____ c. The case shall be set for hearing on motion for summary judgment prior to the next pretrial conference.

____ d. The court makes the following further orders:

____ 4. The parties are directed to call the court not less than three (3) judicial days before trial to confirm that this trial will still proceed.

- _____ 5. All motions in limine and trial memoranda shall be submitted to the court not less than seven (7) judicial days before trial date.
- _____ 6. The parties shall exchange exhibits at least seven (7) judicial days before trial. The parties may withhold true “impeachment” exhibits. The parties, before trial, shall make a good faith effort to stipulate to the admissibility of the exhibits.
- _____ 7. Each party shall submit to the court at least three (3) judicial days before trial, a trial schedule which includes the names of witnesses they intend to call together with the anticipated time the witnesses will testify. The parties shall confer to prepare a coordinated trial schedule. The trial will begin at 9:30 a.m. each morning and end no earlier than 5:00 p.m.
- _____ 8. Counsel for the parties are ordered to confer regarding jury instructions prior to the day of trial. The proposed jury instructions shall be submitted on or before the morning of trial and shall conform to the following guidelines.
- a. List the uniform instructions you are requesting by number;
 - b. If the uniform instruction requires significant editing (for example, with damage instructions), submit the edited instructions on a CD or via e-mail in MS Word format;
 - c. If you are requesting that a non-uniform instruction be given, you are directed to place the instruction on a CD or submit it via e-mail in MS Word format.

DATED THIS _____ day of _____, 20_____

CIRCUIT COURT JUDGE

NOTICE OF CO-PARENTING EDUCATION PROGRAM

All parents with minor children filing a divorce, dissolution, legal separation or annulment action, a petition to establish paternity, custody, parenting plan or a post-judgment motion involving custody or parenting time, in Josephine County, shall participate in a co-parenting education program.

The law requires that ANY PROCEEDING to establish or modify parenting time with a child must have a parenting plan filed with the Court. These classes will provide valuable information that may be helpful to you in developing your plan.

JOSEPHINE COUNTY FAMILY COURT MANDATORY CO-PARENTING EDUCATION PROGRAM

1. Josephine County Family Court has established a co-parenting education program of the type authorized by ORS 3.425.
2. The following cases are subject to this program:
 - a. Annulment or dissolution of marriage actions;
 - b. Legal separation actions;
 - c. Petitions to establish paternity, custody or parenting time by unmarried parents;
 - d. Post-judgment litigation involving changes in custody or parenting time in which the parties have not previously completed this program.
3. All parents of a child under the age of 17 years shall successfully complete a court-approved co-parenting education program.
4. Court actions in these cases will 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 requirement of this program, unless the noncomplying party is the moving party in the action.
5. The party initiating the proceeding shall register for a program within 15 days after filing the initiation pleading with the court. A statement of the requirements of the program and instruction on how to register for 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 and a proof of service returned. All other parties shall have 30 days after service of the notice upon them to register for the program.
6. The program provider issues a Certificate of Completion, which includes the date of completion, to the court when the participant has completed the program.
7. Each party shall pay the program fee to the program provider. Payment must be made before the time of class. A party seeking waiver or deferral of a program fee other than the online program must contact the program provider directly. In cases of extreme hardship, and after

attempting to resolve the issue with the programs other than the online program, a party may request the court to waive the requirement to attend the program. Fee deferral or waiver is not available with the online program.

8. Upon a showing of good cause, a party may request permission to complete a court-approved online version of the program instead of attending a live presentation of the program. Mere inconvenience is not good cause. The request must be made by written motion, supported by affidavit. "Good cause" includes:

(a) that the party's work schedule or other committed obligations are such that it would be an extreme hardship to attend the live presentation; or

(b) that the party is in poor health and a doctor states, in writing, that the party should not attend. A copy of that writing must be included with the affidavit; or

(c) other substantial reasons showing that it would be an extreme hardship for the party to attend the live presentation.

9. Upon a showing of good cause, a party may request waiver of the attendance requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 30 days of receipt of the notice of requirements of this program. "Good cause" includes the considerations listed in paragraph 8.

10. Co-Parenting Education Program Providers

(a) Live presentation service provider:

Children in the Middle

541-660-8110

(b) Online program provider (*allowed ONLY if live presentation is waived by the court*):

The Center for Divorce Education

"Children in Between"

www.divorce-education.com

JOINT PROPERTY EXHIBIT LIST

Line#	Item Description	His Value *	*Use Fair Market Value, not cost of item		Award to Wife	Award to Husband	Comments
			Her Value*	Premarital (H/W)			
	Grand Totals:	0	0		0	0	
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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JOSEPHINE COUNTY

In the Matter of the Marriage of _____)
 _____) Case No. _____
 _____)
 and _____) Petitioner) STIPULATED REQUEST FOR
 _____) MEDIATION AND ORDER
 _____) Respondent)

Since it appears to both parents that custody and parenting time cannot be agreed upon:

- A The parents request a referral to the Court Mediation Service for mediation.
- B The parents request the use of an independent mediator. The mediator has been contacted and has agreed to mediate and has also agreed to abide by the mediation rules of this court.

IF YOU REQUEST OPTION A: Please come to the Juvenile Courtroom at the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, for an Orientation Session. Orientation is held from 8:15 a.m. to 10:15 a.m. every Monday, except County holidays (if they fall on a Monday) in which case you must come on Tuesday. Call 541-474-5186 to ask questions regarding orientation, family abuse restraining orders, personal safety or domestic violence issues, to request a separate orientation session, or to schedule an appointment. You are NOT required to attend a second orientation session. Please do NOT bring children to mediation.

IF YOU REQUEST OPTION B: Please complete the following.

Independent Mediator's name: _____
 Mediator's Address: _____
 Mediator's Phone #: _____

The first mediation appointment is scheduled for: _____

Petitioner's Signature _____
 Address _____
 City _____ State/Zip _____ Phone _____
 Attorney _____ Bar No. _____

Respondent's Signature _____
 Address _____
 City _____ State/Zip _____ Phone _____
 Attorney _____ Bar No. _____

ORDER FOR MEDIATION

IT IS HEREBY ORDERED:

- (1) that the parents are referred to the Court Mediation Service.
- (2) that the parents are to participate in mediation with the independent mediator set out above.

Dated this _____ day of _____, 20____.

 Circuit Court Judge

PROOF OF SERVICE

DO NOT SIGN UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC

The mother, father or any other adult may GIVE or MAIL a copy of the Mediation Request/Order to the other party and return this completed Proof of Service to the Court.

Case No. _____

PERSONAL SERVICE:

I, _____, hereby swear that I gave an exact and true copy of this Request/Order for Mediation by One parent to the other parent named _____, who is the mother / father, by personally serving it to her / him on

SIGNED _____ DATE _____

MAILED SERVICE

I, _____ Hereby swear that I could not personally hand a copy of this Request / Order for Mediation by One Parent to the other parent, so I mailed a true, exact and full copy of it to her / him on ___ / ___ / ___ (date) at _____ am / pm in _____ (city) to the parent's last known address which is _____.

SIGNED _____ DATE _____

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__.

Notary Public for the State of Oregon/Clerk
My Commission expires: _____

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

In the Matter of: _____)
 _____)
 and Petitioner,)
 _____)
 _____)
 Respondent.))

Case No. _____
 REQUEST FOR MEDIATION
 BY ONE PARENT; and ORDER

I, _____ am the mother father of the child(ren). We cannot agree upon custody and/or parenting time, and I am requesting the Court to send us to a mediator by filing this Request for Mediation. I have kept a copy. I have taken the responsibility to see that the other parent receives a copy of this Request and Order as indicated in the Proof of Service attached. I will come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, at 8:15 a.m. as directed below.

TO BOTH PARENTS: You must come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, at 8:15 am on the second Monday following the day of service or mailing of this form (or if the second Monday is a county holiday, on the following Tuesday). The session lasts approximately 2 hours. If you have already attended an orientation, you are NOT required to attend a second orientation session. Please do NOT bring children to mediation. *For mediation questions regarding orientation, personal safety or domestic violence issues, or to request a separate orientation session, call 541-474-5186 ext 4031.*

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this document.

Submitted by:

Petitioner Respondent, Signature _____ Print Name _____

Address or Contact Address _____ City, State, Zip _____ Telephone or Contact Telephone _____

ORDER FOR MEDIATION

IT IS HEREBY ORDERED that the parents are referred to the court-sponsored mediation service.

DATED this _____ day of _____, 20_____.

 Circuit Court Judge

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

State of Oregon,

Plaintiff,

Case No: _____

WAIVER

Defendant.

INSTRUCTIONS:

You must return this WAIVER and TESTIMONY BY AFFIDAVIT to the Court by _____, if you wish to waive your presentation of oral testimony and the officer's appearance at trial. The officer may testify by affidavit or in person at trial.

You will be notified by the Court of your trial date. If you have returned this WAIVER and TESTIMONY BY AFFIDAVIT, your presence is not required. The Judge will give your affidavit the same consideration as a personal appearance before the Court.

If the WAIVER and TESTIMONY BY AFFIDAVIT are not returned completed to the Court by the above date, your presence will be required at the trial. On that date you and the officer will be required to appear, in person, to present your testimony.

WAIVER

I, _____, plea or have already pled NOT GUILTY and request a trial in the above-captioned case. Pursuant to ORS 153.080, I hereby waive my presentation of oral testimony and the police officer's presence at trial. I agree that all testimony may be presented to the Court by affidavit.

I am not represented by an attorney in this matter. If I retain counsel, I will advise the Court immediately.

Signature of Defendant

Name (printed)

Date

Address of Defendant

City/State/ZIP

Phone

(PROCEED TO AFFIDAVIT ON PAGE 2)

