COURT INFORMATION AND FORMS

Judge Matthew Donohue
(April, 2014)

RULES

All attorneys and self-represented litigants will be expected to know, understand and follow all trial court rules and rules of procedure. These rules are available via the following link: http://courts.oregon.gov/Benton/Pages/Rules.aspx

COMMUNICATION

Communications with the Court must be made through Judge Donohue's Judicial Assistant, Beth Fults, and not directly with the Judge. Ms. Fults can be reached by e-mail at Beth.Fults@ojd.state.or.us, by fax at (541) 766-6028, by mail at Benton County Circuit Court, Attn. Beth Fults, P.O. Box 1870, Corvallis, OR 97339-1870, or by telephone at (541) 766-6843. The Court prefers communication by e-mail whenever possible so that a written record of the communication can be maintained. All communications must clearly identify the case name, including the names of all parties and the case number. When you communicate with the Court, you must provide a copy of the communication to all parties to the case and the communication must be accompanied by a certificate that copies have been provided.

COURTROOM PROCEDURES

Detailed information regarding Judge Donohue's expectations for courtroom conduct, including trial procedures, is available via the following link: Judge Donohue's Courtroom Procedures

CRIMINAL

The Court's goal is to resolve 90% of all misdemeanors, infraction and other non-felony cases within 3 months and 90% of all felony cases within 4 months following the date of arraignment, 98% of all cases within 6 months, and 100% of all cases within 12 months, except for exceptional circumstances. Attorneys are expected to diligently prepare their cases and cooperate with the Court to meet these goals.

Once a case is assigned to Judge Donohue, very few "case status reviews" will be allowed before the case is set for trial. Criminal case status reviews are generally held on Thursdays at 8:30 a.m.

DOMESTIC RELATIONS / FAMILY

In 2008, the Court asked members of the local family law bar to help develop a case flow management system to assure compliance with the state-wide Standards for Timely Disposition adopted by the Oregon Judicial Conference in 1990. After several meetings held over several months, the local bar recommended adopting a Differentiated Case Management (DCM) system designed to differentiate between cases having varying degrees of complexity and to manage the different case types accordingly. Therefore, each domestic relations case assigned to Judge Williams is designated as either "expedited", "standard", or "complex" and case management timelines are set accordingly.

The Court's goal is to resolve 90% of all original domestic relations cases within 9 months following the date the case is filed and 100% within 12 months, except for exceptional circumstances. Attorneys are expected to diligently prepare their cases and cooperate with the Court to meet these goals.

Once a case is assigned to Judge Donohue, each party will be sent a letter with instructions to complete and return a Case Scheduling Report (CSR) form to the Court within 2 weeks. The information provided on the CSR form is used by the Court to determine the appropriate case type designation. The CSR form may be hand-delivered, mailed, emailed in PDF format, or faxed to Judge Donohues' judicial assistant. A summary of the criteria used to determine the case type designation and the procedural timelines for each case type can be found here. The majority of cases are designated "standard."

The Court will next issue a Discovery and Case Scheduling Order setting forth the appropriate procedural timeline, including discovery deadlines, and scheduling a case management conference. In most cases, there will only be one case management conference set and all attorneys and parties are required to attend in person. If the case is not resolved by the time of the case management conference, the Court will schedule the case for trial. Domestic Relations case management conferences are generally held on Wednesday at 8:30 a.m.

Requests for temporary relief are resolved by affidavit, without a hearing, in the manner set forth in SLR 8.041.

Cases where child custody and/or parenting time are in dispute are referred to mediation. Parties are required to attend mediation orientation as scheduled and participate in mediation in earnest and good faith. The parties are strongly encouraged to resolve their custody and parenting time issues in mediation.

The Court may refer cases to arbitration where the only contested issue is the division or other disposition of property and both parties stipulate to the referral.

Case Scheduling Report
Uniform Support Declaration (PDF format)
Uniform Support Declaration (MS Word format)
Benton County Standard Parenting Plan

GENERAL CIVIL

The Court's goal is to resolve 90% of all general civil cases within 12 months following the date the case is filed, 98% within 18 months and 100% within 24 months, except for exceptional cases. Attorneys are expected to diligently prepare their cases and cooperate with the Court to meet these goals.

Once a case is assigned to Judge Donohue, the Court will schedule a case management conference approximately 4 months after the case is at issue. The Court will review the status of the case with the attorneys at that time and in most cases a case scheduling order will be issued

and a trial date set. Civil case management conferences are generally held on Monday at 8:30 a.m.

SETTLEMENT CONFERENCES

Settlement conference procedures are set forth in SLR 6.012.

Domestic Relations - Judge Donohue will conduct a settlement conference in domestic relations cases assigned to him only if all counsel and the parties execute and file a Waiver for Settlement Conference (Custody) or Waiver for Settlement Conference (Dissolution) consent form at the time the request for a settlement conference is made.

Civil - Judge Donohue will conduct a settlement conference in civil cases assigned to him only if all counsel and the parties execute and file a Waiver for Settlement Conference (Civil) consent form at the time the request for a settlement conference is made.

Criminal - Judge Donohue will conduct a settlement conference in criminal cases assigned to him only if all counsel and the defendant execute and file a Waiver for Settlement Conference consent form at the time the request for a settlement conference is made.

Each party to a settlement conference must submit a written Confidential Settlement Conference Statement that includes a brief summary and analysis of the key issues involved in the litigation and the status of any prior plea or settlement negotiations. The Statement is confidential and need not be sent to the opposing party. Statements may be hand-delivered, mailed, emailed in PDF format, or faxed to Judge Donohue's judicial assistant and must be received by the Court at least 24 hours before the scheduled settlement conference. The Statements will not be filed in the case file and will be destroyed immediately following the settlement conference. If either party fails to provide a Confidential Settlement Conference Statement before the date due, the settlement conference may be cancelled. Once cancelled, it will not be rescheduled on Judge Donohue's calendar unless good cause is shown to support the failure to provide the Confidential Settlement Conference Statement by the required deadline.

UTCR 5.100 AND TIME FOR OBJECTION BY COUNSEL ON MOTIONS AND JUDGMENTS

Pursuant to UTCR 5.100(1)(a), a party must serve a proposed order or judgment submitted in response to a ruling of the court to opposing counsel not less than three days prior to submitting it to the court. In addition, a notice of compliance with UTCR 5.100(1)(a) is required to be submitted with any proposed order or judgment. No proposed order will be accepted by the court without this statement of compliance. After the court receives a proposed order pursuant to UTCR 5.100(1)(a), Judge Donohue will allow a party six days to file any objection. An additional three days will be added to this time period if the party submitting the proposed order or judgment served it on the opposing party exclusively by mail delivery. If the court does not receive any objection to a proposed order or judgment within this timeline, Judge Donohue will assume that there are no objections to the form of the order or judgment.