

2025

The Nineteenth Judicial District

**COLUMBIA COUNTY
CIRCUIT COURT**

SUPPLEMENTARY LOCAL RULES



Effective February 1, 2025

STATE OF OREGON – COLUMBIA COUNTY



I certify that this is a true and correct copy of a document in the possession of the court administrator for the Columbia County Circuit Court.

DATED: December 02, 2024

Toria A. Fraser

Court Administrator for Columbia County Circuit Court

TABLE OF CONTENTS

CHAPTER 1	GENERAL PROVISIONS	4
1.002	Addresses and Phone Numbers	4
1.151	Hours Open For Business	4
1.161	Filing Of Documents In Court	4
1.171	Court Website	4
CHAPTER 3	DECORUM IN PROCEEDINGS	5
3.171	Attorney Representation	5
3.181	Media Or Other Public Access Coverage Of Court Events	5
CHAPTER 4	PROCEEDINGS IN CRIMINAL CASES	6
4.081	Appearance By Simultaneous Electronic Transmission	6
4.082	In-Custody Remote Hearings	6
CHAPTER 5	PROCEEDINGS IN CIVIL CASES	7
5.041	Confirmation Cards and Conformed Copies	7
5.061	<i>Ex Parte</i> Matters	7
5.064	Time For Initial Appearances	7
CHAPTER 6	TRIALS	8
6.012	Settlement Conferences	8
6.021	Trial Fees Payable Before Trial	8
6.081	Exhibits	9
6.121	Dispositions Of Exhibits In Criminal Cases	9
CHAPTER 7	CASE MANAGEMENT AND CALENDARING	10
7.011	Criminal Case Guilty Or No Contest Pleas	10
7.012	Scheduling And Notification	10
7.013	Civil Trial Status Report	10
7.014	Continuances	10
7.015	Scheduling Conflicts	11
7.016	Pre-Trial Conference & Call System for Non-Custody Criminal Cases	11
7.071	Scheduling Foreign Language Interpreters Under UTCR 7.070	12
CHAPTER 8	DOMESTIC RELATIONS PROCEEDINGS	13
8.005	Time for Filing Uniform Support Declaration	13
8.011	Division Or Valuation Of Personal Property	13
8.012	Education For Divorcing Parents	13
8.041	Pre-judgment Relief/Pendente Lite Relief	14
8.051	Domestic Relations Post Judgment Show Cause Orders	15
8.061	Filing Division Of Child Support (DCS) Worksheets	16
8.071	Child Parenting Time	16
8.081	Discovery In Domestic Relations Cases	16
8.091	Motion For Order of Default; Military Declaration	16

CHAPTER 9	PROBATE AND ADOPTION PROCEEDINGS	17
9.081	Protective Proceedings/Objections	17
9.091	Statements And Disbursements	17
9.092	Minors	17
9.095	Attorney Fees and Corporate Fiduciary Fee Approval	17
9.165	Delinquent Filings	18
9.311	Adoptions	18
CHAPTER 12	MEDIATION	19
12.001	Mandatory Mediation	19
12.011	Application Of Rules	19
12.012	Court Jurisdiction	19
12.021	Mediation Orientation	20
12.022	Mediators	20
12.031	Case Assignment Of Mediators	20
12.032	Authority Of Mediators	20
12.041	Scheduling Of Mediation Sessions	21
12.042	Mediator's Report To The Court	21
12.051	Compensation Of Mediators	22
12.061	Small Claims Mediation	22
CHAPTER 13	ARBITRATION	24
13.031	Arbitration Commission	24
13.041	Referring Cases to Arbitration	24
13.091	Arbitration Panel	24
13.121	Compensation Of Arbitrators - Circuit Court Cases	25
13.122	Indigent Parties	25
13.281	Trial Settings On Arbitration Cases Where A Motion For De Novo Trial Is Filed	26

**COLUMBIA COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES**

The following supplementary rules are established pursuant to UTCR 1.030 and apply to operations in the Circuit Court.

CHAPTER 1 - GENERAL PROVISIONS

1.002 ADDRESSES AND PHONE NUMBERS

- (1) **Defendants in Criminal and Violation Cases**
During the pendency of any case charging an offense, including traffic, boating, game violation and criminal cases, or while any monetary or other obligation imposed by the court in such a case remains unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address, email, and telephone number.
- (2) **Unrepresented Parties in Civil and Small Claims Cases**
During the pendency of any civil or small claims case, any party who is not represented by an attorney of record must keep the court advised in writing of the party's current name, mailing address, email, and telephone number.

1.151 HOURS OPEN FOR OPERATION

Unless otherwise ordered due to emergency conditions, information regarding business hours for the Nineteenth Judicial District can be found at: <http://www.courts.oregon.gov/Columbia>.

1.161 FILING OF DOCUMENTS IN COURT

- (1) Court documents may be filed at the front counter in the Trial Court Administrator's office. Receipts for filing fees mailed to the court 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.
- (2) Mandatory Electronic Filing is required for members of the Oregon State Bar per UTCR 21.140. UTCR 21.070(3) details which documents must be filed conventionally by attorneys.

1.171 COURT WEBSITE

Columbia County Circuit Court maintains a website which lists information about the court. The address is <http://www.courts.oregon.gov/columbia>.

CHAPTER 3 - DECORUM IN PROCEEDINGS

3.171 ATTORNEY REPRESENTATION

- (1) An attorney wishing to appear in a case for a client who already has an attorney of record will notify the court of his or her representation as soon as reasonably practicable, and will otherwise follow Oregon Rules of Professional Conduct 1.2 and 4.2.
- (2) If more than one attorney will be appearing for a single client in a given case, the attorneys must provide reasonable notice to the court of the role of each attorney in the case, including which attorney should be considered the “attorney of record.”
- (3) Where a litigant in a criminal, juvenile or civil commitment case is represented by court-appointed counsel, another attorney may not represent the litigant in that case without first receiving written permission from the court.

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the hallways outside of any courtroom or court office. Upon request, on a case-by-case basis, the court will consider designating an area outside of the courtrooms and prohibited court areas for media and public access coverage. Public access coverage shall not disrupt or interfere with normal court activities. Requests to conduct public access coverage in such areas must be approved in advance by either a judge or the Trial Court Administrator.

CHAPTER 4 - PROCEEDINGS IN CRIMINAL CASES

4.081 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION

- (1) Unless otherwise ordered by the court, in-custody arraignments shall be by simultaneous electronic transmission.
- (2) An in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 at a release, change of plea, probation violation, or a sentencing hearing if allowed by statute.
- (3) All documents necessary for a hearing shall be filed with the court by counsel at least two (2) days prior to the hearing. This includes, but is not limited to, Notice and Advice of Right to Appeal and/or Diversion Agreement.

4.082 IN-CUSTODY REMOTE HEARINGS

- (1) Upon request by the state or the defense for a remote in-custody appearance, when the defendant is being held in federal custody, another state's department of corrections, or another county, the requesting party shall provide the Court with the following information:
 - (a) Point of contact at the facility where the party is being held,
 - (b) Email address and phone number for the point of contact,
 - (c) The State ID number for the inmate if held in DOC,
 - (d) The process that the facility requires when scheduling the hearing.
- (2) The 'Remote Appearance Information for Defendants in Custody' form is available on the court's website. (<https://www.courts.oregon.gov/forms/Documents/COL-RemoteAppearanceInfo.pdf>)

CHAPTER 5 - PROCEEDINGS IN CIVIL CASES

5.041 CONFIRMATION CARDS AND CONFORMED COPIES

Unless required by law or rule, conformed copies of orders and judgments will not be provided. Signed copies of orders and judgments may be obtained on-line or from the Circuit Court Clerk's Office.

5.061 *EX PARTE* MATTERS

Ex parte orders shall be e-filed or presented to the administrator's office to be forwarded to the assigned judge. *Ex parte* matters requiring a hearing shall be scheduled by court staff.

5.064 TIME FOR INITIAL APPEARANCES

Initial appearance protective order hearings and renewals are heard at 11:30 a.m. Monday through Friday.

CHAPTER 6 - TRIALS

6.012 SETTLEMENT CONFERENCES

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) A settlement conference will be scheduled upon the request of one party, unless the opposing party demonstrates good cause why a settlement conference should not be held.
- (2) Settlement conferences will be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the judge or by agreement of all attorneys and parties.
- (3) A trial-setting conference is not required prior to a pretrial settlement conference; however, a pretrial settlement conference shall not delay the trial scheduling.
- (4) No information disclosed will be revealed by the settlement judge or by any of the parties to the judge who will thereafter try the case, unless the parties have agreed that the settlement conference judge may preside at the trial. The settlement judge may preside at the trial upon stipulation of the parties.
- (5) All trial attorneys and parties or representatives of a corporation or insurance company who have full authority to settle and compromise the litigation must personally appear at the pre-trial settlement conference. However, the judge may permit remote appearances for good cause.
- (6) Each attorney or party shall file as confidential a pretrial statement one (1) week before the settlement conference. In domestic relations cases, parties shall include all documents otherwise required by UTCR Chapter 8 pertaining to domestic relations cases, unless waived by the court.
- (7) In the event the case does not settle, materials or notes prepared by the pretrial settlement judge may be placed in the court file as confidential documents.
- (8) In the event a case settles, the court will issue an order directing a party to prepare and file the proposed judgment within thirty (30) days of the conference. Settlements may also be placed on the record at the conclusion of the settlement conference. Trial dates will not be cancelled until the judgment has been filed.

6.021 TRIAL FEES PAYABLE BEFORE TRIAL

No court or jury trial will proceed to trial until all trial fees are paid to the Trial Court Administrator. The receipt given for payment of said fees must be shown to the Courtroom Clerk at the time of trial before said trial will proceed.

6.081 EXHIBITS

In order for the Trial Court Administrator to comply with Oregon Judicial Department Policy pertaining to the listing and valuing of exhibits offered as evidence, the exhibits will be assigned a value of zero, unless the party submitting the exhibits supplies a written opinion as to their value to the Trial Court Administrator.

6.121 DISPOSITIONS OF EXHIBITS IN CRIMINAL CASES

- (1) In cases where the parties request that an exhibit remain in the custody of the court, the court may require that the party requesting custody provide the court with a storage facility or safe deposit box, depending on the circumstances.
- (2) Thirty (30) days following entry of judgment if the court retained the exhibits, or upon return of the exhibits from the Court of Appeals, a notice will be sent to the attorneys of record requesting that they recover their respective exhibits within thirty (30) days or they will be disposed of by the court in accordance with Judicial Department Policy.
- (3) In the interests of victims, exhibits which are their personal property will be returned as expeditiously as possible. The District Attorney will seek such returns on their behalf as soon as is practicable.

CHAPTER 7 - CASE MANAGEMENT AND CALENDARING

7.011 CRIMINAL CASE GUILTY OR NO CONTEST PLEAS

The court will not accept guilty or no contest pleas unless the defendant has first read and completed a Petition to Enter a Plea of Guilty or No Contest. The Plea Petition must be read, completed and e-filed with the court two (2) business days prior to the time set for Plea and Sentencing. For guilty or no contest pleas entered at a Pretrial Conference or Judicial Settlement Conference, the Plea Petition may be completed and conventionally filed in court the day of the hearing. When a plea petition is e-filed by 9:00 a.m. the Monday prior to the Pretrial Conference, the hearing will be set for 9:00 am, and the defendant may appear remotely.

7.012 SCHEDULING AND NOTIFICATION

All hearings not set in court will be set by the Judicial Assistant responsible for docketing that appearance. The court will notify the parties of the date and time of the hearing or trial.

7.013 CIVIL TRIAL STATUS REPORT

A Trial Status Report must be filed by each party by 12:00 p.m. the Thursday two (2) weeks before the week trial is set. The Trial Status Report form is available on the court's website.

7.014 CONTINUANCES

- (1) No continuances will be granted except for good cause. Except in unusual circumstances, any motion to postpone a court appearance must be in writing and must comply with applicable UTCRs and SLRs.
- (2) Each continuance motion must state the specific reasons for the requested continuance and be signed by an attorney or the party making the request. All motions must set forth:
 - (a) The date scheduled for trial or hearing;
 - (b) The reason for the requested postponement;
 - (c) The dates previously set for trial or hearing, and which party made the request;
 - (d) Acknowledgment that the client has been advised of the motion for continuance; and
 - (e) Whether any parties to the proceeding object or agree to the requested postponement;
 - (f) For criminal matters, if the defendant is in-custody.
- (3) If the motion to postpone is based upon a conflicting proceeding in another court, it must set forth, in addition to the information required by subsection (2) of this section:
 - (a) The name of the court in which the conflict exists;
 - (b) The date of the conflict;
 - (c) The date on which the other proceeding is to begin;
 - (d) The case number and the date of filing of the conflicting case;
 - (e) The date on which the conflicting case was set for trial or hearing; and
 - (f) The information required by UTCR 6.040(2).

- (4) The Court will grant a continuance only for good cause shown. On a case-by-case basis, the Court will evaluate whether sufficient cause justifies a continuance. As a guide to practitioners, the following, on their own, will generally *not* be considered sufficient cause to grant a continuance of a matter on the trial docket:
- (a) Counsel or the parties agree to a continuance without a specific reason;
 - (b) The case has not previously been continued;
 - (c) Unavailability of a witness who has not been subpoenaed. If the motion does not specifically state whether a witness has been subpoenaed, it is assumed that the witness is not subpoenaed;
 - (d) A party or counsel is unprepared to try the case for reasons including, but not limited to, a party's failure to maintain necessary contact with counsel;
 - (e) A police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date.

7.015 SCHEDULING CONFLICTS

If the court schedules an attorney and/or a party for more than one matter, in more than one courtroom, for a particular date and time (whether at the exact time or overlapping times), immediately upon receiving the second docket notice, the attorney/party must do the following:

- (1) If there are more than ten (10) days until the scheduled proceedings, the attorney/party must file a Motion to Resolve a Scheduling Conflict in both matters, with service on all affected attorneys/parties. The judges assigned to the conflicting matters will confer to resolve the conflict, and will notify the attorneys/parties of the decision. If the conferring judges cannot resolve the conflict, the Presiding Judge or the Presiding Judge's designee will make the decision and notify the attorneys/parties.
- (2) If there are ten (10) days or less until the scheduled date and time, the attorney/party must notify the other attorney/parties in all the scheduled matters, verbally or in writing, that they will be appearing before the Presiding Judge or the Presiding Judges' designee at 8:30 a.m. on the next business day to seek a resolution of the scheduling conflict. The Presiding judge or designee will resolve the conflict and notify the attorney/parties.
- (3) If the attorney/party does not have sufficient time to comply with (1) and (2) or fails to comply, the attorney/party must appear on the matter on the earliest date on the court's docketing notices. The attorney-party will not leave that proceeding until it has been concluded or they have been released by the judge handling the matter. The attorney/party must notify the judge and the other attorneys/parties in the second matter, as soon as possible but not later than twenty-four (24) hours before the conflicting time, of the reason for their inability to appear in the conflicting case at the time scheduled.

7.016 PRE-TRIAL CONFERENCE AND CALL SYSTEM FOR NON-CUSTODY CRIMINAL CASES

Discovery will be made available to the defense counsel not more than five (5) days after entry of plea. The district attorney must provide a settlement offer to defense counsel not less than fourteen (14) days prior to the first pretrial conference.

7.071 SCHEDULING FOREIGN LANGUAGE INTERPRETERS UNDER UTCR 7.070

For purposes of complying with UTCR 7.070, if a foreign language interpreter is needed, the party in need of an interpreter, prior to each proceeding in the action in which an interpreter is needed, shall make the request by completing and submitting the Court Interpreter Request form available at www.courts.oregon.gov/languages/english/Pages/interpreter-scheduling.aspx.

The court will only request interpreters for the party participant (e.g., plaintiff/defendant) once need is determined but does not make requests for any other person to a proceeding. Requests must include the following information:

- (1) Case Number;
- (2) Case Name;
- (3) Name of person needing interpreter;
- (4) Relationship of person needing interpreter to the case (e.g., Defendant, Petitioner, Victim, etc.);
- (5) Language needed;
- (6) Hearing date and time; and
- (7) Judge.

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

8.005 TIME FOR FILING UNIFORM SUPPORT DECLARATION

- (1) The moving party seeking child support or spousal support shall file a Uniform Support Declaration with their initial pleading seeking such support. The responding party shall file their Uniform Support Declaration within 14 days of service of a motion for temporary support, and within 30 days of service of a petition or other pleading which seeks support on other than a temporary basis.

8.011 DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships may prepare a joint exhibit list similar to Exhibit List: Parties Joint Property form (www.courts.oregon.gov/courts/columbia/help/Pages/forms.aspx), if there is any dispute as to the division or valuation of personal property.
- (2) The exhibit list must contain:
 - (a) each item of property
 - (b) in columns to the right of the property list there is to be each party's estimate of fair-market value, each party's proposed distribution, and 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 must have a total for each party based upon their claim for the item and their estimated fair-market value.
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The joint property list exhibit is to be prepared pre-trial and submitted to the court at the beginning of the final hearing.

8.012 EDUCATION FOR DIVORCING PARENTS

- (1) The following cases are subject to this rule: Annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or parenting, and post-judgment litigation involving custody or parenting time.
- (2) All parties, where the interest of a child under the age of 18 years of age is involved, must successfully complete the education for divorcing parents program offered by court- designated providers or a pre-approved alternative education program. Parties must register for the program or make application for approval of an alternate program within 15 days of receiving notice of this education requirement. All parties must complete the program before the initial pre-trial conference.
- (3) Notice and information to the petitioner of the requirement that the parties complete

the education program or alternative education program will be provided by the Trial Court Administrator when the petition is filed. The party initiating the proceeding must register for the program within 15 days after filing the initiating pleading with the court. A copy of this local rule and instructions on how to register for the program must be served by the initiating party on all parties against whom relief is sought. Service must be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties will have 30 days after service of the notice upon them to register for the program.

- (4) Each party must pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigence to the court, and the party meets indigence guidelines.
- (5) Each person who successfully completes the court's program or the pre-approved alternative program must present a certificate of completion to the judge at the pre-trial conference.
- (6) Upon showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit, and filed within 15 days of receipt of the Trial Court Administrator's notice.
- (7) Court action on a petition will not be delayed by a party's refusal or delay in completing the program unless the non-complying party is the petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including, but not limited to, proceedings for contempt.

8.041 PRE-JUDGMENT/PENDENTE LITE RELIEF

All applications for prejudgment relief must be made by motion.

- (1) Motions under ORS 107.095, for custody, parenting time, child and spousal support, possession of personal property, and other temporary relief pending trial, must be made by motion to show cause, supported by affidavit(s) or declaration(s). The motion and show cause order must separately state each item of relief requested.
- (2) A motion for prejudgment support must include a Uniform Support Declaration with the required attachments. If the opposing party files an answer to a request for prejudgment support, the party also must file and serve on the moving party a Uniform Support Declaration with the required attachments.
- (3) All show-cause orders for pre-judgment/*pendente lite* relief will specify a response time of not less than 30 days from the date of service upon the opposing party. Such orders will require the opposing party to respond by filing an answer in writing together with opposing affidavit(s), declarations(s), or cross motion(s), if any, and to serve a copy of the answer, opposing affidavit(s) and/or declaration(s) on the moving party within the response time.
- (4) The show cause hearing will be set if an objection is filed and will be scheduled for a maximum of thirty minutes. The parties should be present to answer any questions the court may pose, but the court will not hear oral testimony, and will instead consider the sworn written statement of the parties and/or other witnesses.

- (5) Pre-judgment relief may also take the form of one of the following:
 - (a) A motion for an “immediate danger” order pursuant to ORS §107.097(3)(a).
 - (b) A motion for a temporary protective order (or “status quo” order) pursuant to ORS 107.097(2)(a).
 - (c) Motions for relief pursuant to subsections (a) and (b) above may be heard on an *ex parte* basis under SLR 5.061, and are not subject to the 30-day rule specified in subsection (4), above.
- (6) Motions for pre-judgment relief or responses to motions for pre-judgment relief will 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.

8.051 DOMESTIC RELATIONS POST JUDGMENT SHOW CAUSE ORDERS

- (1) The procedures of this rule are limited to post judgment domestic relations cases. “Domestic relations case(s)” means dissolution of marriage, legal separation cases including post-judgment motions, filiation and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.
- (2) An order to show cause will be allowed only upon the motion of a party supported by affidavit/declaration. The order to show cause will not contain a date for hearing. It will provide that the adverse party must file and serve a written response in opposition to the motion within thirty (30) days from the date of service of the order and affidavit, or within such additional time as allowed by the court upon a showing of good cause. The order must further state that if an opposing response is not filed and served within the thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the court.
- (3) If the opposing party fails to file the opposing written response within the time allowed, the moving party must submit an order allowing the relief requested in the order to show cause. The court may require testimony of the moving party in such default matters. The court may, upon its own motion, enter the order requested if the opposing party does not file the required response or if the moving party fails to present the requisite order for signature.
- (4) If the opposing party files an opposing written response, either party may move for assignment of a hearing date. The party requesting assignment of a hearing date must serve a copy of the order setting the date on the other party. If either party fails to submit a motion requesting a hearing date the court may set a date on its own motion. The first paragraph of the motion requesting a hearing date must include an estimate of time required for argument and a statement whether official court reporting services are requested.
- (5) This rule is not intended to act as the procedure for orders requested pursuant to ORS 107.097(3), (4) and (5).

8.061 FILING DIVISION OF CHILD SUPPORT (DCS) WORKSHEETS

The child support computation worksheets appended to OAR 137-050-0320 to 137-050-0490 shall be filed with any judgment submitted where parties have joint children under the age of 21. Even if the parties have agreed to an award of zero support at the time an order or judgment is signed or the court otherwise orders zero support, the worksheets are required to enable the court to make the legally required findings regarding the presumptive amount of support and the reason(s) to rebut that presumptive amount of child support.

8.071 CHILD PARENTING TIME

Columbia County Circuit Court has adopted a standardized parenting plan, per UTCR 8.070. www.courts.oregon.gov/courts/columbia/help/Pages/forms.aspx.

8.081 DISCOVERY IN DOMESTIC RELATIONS CASES

Any request for discovery consisting of e-communications, medical or psychological records, or other information of private or sensitive nature concerning the other party shall be subject to a motion for protective order providing for an in camera inspection by the settlement judge in order to determine the relevance of such information to the pending case. The motion shall be supported by an affidavit setting forth why the information sought is particularly sensitive, and/or is likely sought only for the purposes of harassment, invasion of privacy, or other reason unrelated to obtaining discoverable materials.

8.091 MOTION FOR ORDER OF DEFAULT; MILITARY DECLARATION

A party seeking a default judgment or order must include information stating whether the party against whom the order is sought is in the military service as required by section 201(b)(1) of the Servicemembers Civile Relief Act, 50 U.S.C. 3931, as amended. The party seeking the default must include a print out from the Department of Defense website (<https://scra.dmdc.osd.mil/>) or, if the party does not have the information necessary to search that website, specific facts that explain how the moving party knows whether the opposing party is or is not in military service.

CHAPTER 9 - PROBATE AND ADOPTION PROCEEDINGS

9.081 PROTECTIVE PROCEEDINGS/OBJECTIONS

- (1) Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding may make an oral objection in a protective proceeding at the Trial Court Administrator (TCA) counter located in the Columbia County Courthouse, 230 Strand Street, St. Helens, Oregon. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. Upon receipt of the objection, the court will schedule a hearing and notify the appropriate parties. The respondent or protected person may also make objections orally to an appointed Court Visitor. Court Visitors are to include any objections by the respondent or protected person in the Visitor Report. The objection should be in bold and underlined so as to call its attention to the court when reviewing the report.
- (2) If the objecting party wishes to file a written objection, the court clerk will provide the objection form (www.courts.oregon.gov/courts/columbia/help/Pages/forms.aspx).

9.091 STATEMENTS AND DISBURSEMENTS

Vouchers for disbursements made during the period covered by the account must be retained by the personal representative.

9.092 MINORS

Within 30 days after each anniversary of appointment, a guardian for a minor protected person shall file with the court a written report. The report must include a declaration under penalty of perjury in the form required by ORCP 1 E. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The report shall be in substantially the same form as that described in ORS 125.325. A sample guardian's report is available on the court's website. (<https://www.courts.oregon.gov/forms/Documents/AnnualGuardianReport-Adult.pdf>)

9.095 ATTORNEY FEES

- (1) Attorney fee expenses under ORS 116.183 and 125.095 must be approved by the court.
 - (a) Such requests must be accompanied by a statement for attorney fees, filed in the form required by UTCR 5.080, showing the number of hours expended, the hourly rate charged, and a designation of title for each person performing the work.
 - (b) If tasks performed appear to be the duties of a personal representative, the court will question and possibly reduce attorney fee payments for such activities.
- (2) Consent by the parties to the attorney fee requests shall not waive the requirements of this rule.

9.165 DELINQUENT FILINGS

In the event of a delinquency in filing any document required by statute, rule or court order, the fiduciary and attorney of record shall be notified. The personal representative, guardian or conservator shall promptly cure the delinquency. If the delinquency is not cured within 30 days after mailing of the notice or other time limitation set by the court, an Order to Show Cause may be issued which requires the personal representative, conservator or guardian and attorney of record to appear before the court.

9.311 ADOPTIONS

The petition for adoption must be submitted with payment for the required filing fees only.

CHAPTER 12 - MEDIATION

12.001 MANDATORY MEDIATION

- (1) Any dispute involving custody and/or visitation and/or parenting time arising from any of the following types of cases will be subject to mediation under this rule.
 - (a) Any domestic relations case, as defined in ORS107.510(3)
 - (b) Any filiation proceeding pursuant to ORS 109.124 to109.230.
 - (c) Proceedings to determine custody or support of a child under ORS 109.103.
 - (d) Any proceeding to modify custody and/or visitation/parenting time previously determined in one of the above types of cases.
 - (e) Any other matter involving a dispute over custody and/or visitation and/or parenting time upon motion of the court.
- (2) 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. In order to preserve and promote the integrity of mediation as a dispute-resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.
- (3) A party subject to these rules may be excused from mandatory mediation upon application by the party to the court with service upon the opposing party and after being given the opportunity to be heard in objection and upon showing good cause.

12.011 APPLICATION OF RULES

- (1) These rules do not apply to mediation by private agreement.
- (2) These rules must not be applied to restrict the process, but rather to grant considerable discretion to the mediator and mediating parties.

12.012 COURT JURISDICTION

- (1) A case filed in the circuit court remains under the jurisdiction of that court in all phases of the proceeding, including mediation.
- (2) 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 will retain final authority to accept, modify or reject the agreement.
- (3) At any point during the mediation, the court may approve a temporary custody and visitation order reflecting the parties' agreement as to those issues.

12.021 MEDIATION ORIENTATION

- (1) When a proceeding under SLR 12.001(1) is filed with the court, the parties will be ordered to view the mediation orientation video. Parties will receive instructions on how to view the video along with a declaration of completion of mediation orientation and the mediator selection list. Parties are required to return the declaration of completion and choice of mediator within ten (10) days. If the parties are unable to agree upon a mediator within ten (10) days, the court will appoint a mediator and notify the parties of the appointment. Mediation will consist of a maximum of six (6) hours involving the parties and the mediator. Additional time may be provided at the parties' expense.
- (2) When a civil proceeding is not arbitration eligible, the case will be referred to mediation at the discretion of the judge. The orientation for mediation will occur at the beginning of the mediation session.

12.022 MEDIATORS

- (1) To qualify as a court-approved mediator, a person must:
 - (a) Meet the mediator qualification in Uniform Trial Court Rules Chapter 12;
 - (b) Sign and file an application with the court; and
 - (c) Receive approval of the Presiding Judge, upon recommendation of the Local Family Law Advisory Committee.
- (2) The Presiding Judge may remove a mediator from the court-approved list at any time at the Presiding Judge's discretion.

12.031 CASE ASSIGNMENT OF MEDIATORS

- (1) The parties may select a mediator of their own choosing; however, if the mediator is not on the list of court-approved mediators, the expense of the mediator will be the responsibility of the parties.
- (2) In the absence of a mediator selected by the parties, the court will appoint a mediator from the court-approved list of mediators.

12.032 AUTHORITY OF MEDIATORS

- (1) A mediator has the authority and control over the mediation process; but a mediator has no control or authority over the parties or their decisions in the case.
- (2) A mediator has the authority to include and exclude attorneys from the mediation sessions unless otherwise agreed to by the mediator and the parties, in writing.
- (3) A mediator will encourage disputing parties to obtain individual legal advice and individual legal review of any mediation agreement before signing the agreement.
- (4) A mediator must not act as a lawyer for either party.

12.041 SCHEDULING OF MEDIATION SESSIONS

- (1) Upon notification of a mediation assignment, unless the initial session is scheduled through the court, the mediator shall immediately notify the parties of a reasonable date(s) and time(s) for the mediation sessions. The initial mediation session should occur within twenty-one (21) days of the mediator's first notice of assignment.
- (2) Mediation shall be completed in a prompt manner so as to not unduly delay the court and in no event later than any deadline date which may be ordered by the court. Mediator's invoice and report shall be filed with the court within 90 days of assignment, unless there are unforeseen circumstances, and the mediator has provided notice to the court concerning why this requirement cannot be met.

12.042 MEDIATOR'S REPORT TO THE COURT

- (1) In all cases which have been referred to a court-appointed mediator, the mediator must make a final report to the court describing the conclusion of the mediation, whether successful or unsuccessful.
 - (a) **Successful Mediation**

The mediator must prepare a written memorandum of any agreement which the parties have reached as a result of mediation. The unsigned, proposed form of the memorandum of agreement must be distributed to the parties and their counsel by the mediator. If the parties choose to sign a memorandum of agreement after having had the opportunity to review with an attorney, the document may then be incorporated into a court judgment or order.
 - (b) **Unsuccessful Mediation**

The mediator may notify the court at any time following the initial mediation session involving the parties and the mediator that mediation has been unsuccessful, in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation. The mediator may determine that the mediation has been unsuccessful if the parties are unable to resolve the custody or parenting time controversy, if one or both parties are unwilling to participate in mediation, or if the mediator determines that either party is using the mediation process in bad faith for the delay of resolution of other issues.

12.051 COMPENSATION OF MEDIATORS

- (1) In issues subject to mandatory mediation under these rules, Columbia County will compensate the mediator at an hourly rate set by order of the Presiding Judge, up to a maximum of six (6) hours per case. The funding source will be fees collected pursuant to ORS 107.615.
- (2) Columbia County shall not pay for any mediation expenses beyond the six (6) hours authorized under subsection (1) without preapproval and a signed court order in the court file authorizing the additional time. An additional two (2) hours of mediation may be requested by submitting the court form “Request and Order for Additional Mediation,” available on the court’s website. The form shall be submitted by email to the domestic relations general email (Columbia.DomRel@ojd.state.or.us).
- (3) In issues not involved in mandatory mediation, the parties may agree to mediate with the court-appointed mediator; but the compensation arrangements must be between the parties and the mediator, as they may agree in writing, and the compensation rate must be negotiated by and between the parties and the mediator.
- (4) If the parties select a mediator who is not on the court-approved list, the compensation must be fixed by agreement between the parties and the mediator and will be the responsibility of the parties.

12.061 SMALL CLAIMS MEDIATION

Mediation in small claims cases is mandatory. After a demand for hearing is filed, both parties will be notified by mail of the date they are to appear for mediation. Any counterclaims will be heard at the same time. Request 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.

- (1) All contested small claims cases must be referred to mediation pursuant to ORS 36.185.
- (2) All parties must appear for mediation. A party not appearing for mediation may have a judgment entered against them 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 and must have full authority to settle. Attorneys will not be permitted to attend a small claim mediation session.
- (3) If mediation is not successful, a trial will take place. Trials may be set for a future date. If mediation is successful, the agreement will be forwarded to a judge for approval.
- (4) If the agreement states that one party will have judgment against the other, the judgment is entered in the records as an enforceable judgment. If the agreement calls for the recovery of money, specific personal property or any penalty or forfeiture, and the party who owes the debt does not abide by the agreement, the party who is owed is responsible for enforcing the judgment.
- (5) If the agreement does not state that one party will have judgment against the other, the signed agreement is entered in the case as a stipulated order. If one party fails to comply with the terms of the agreement, the other party can file an affidavit of non-

compliance within six months of the date of the stipulated order, which, if approved by a judge, will convert the stipulated order into a judgment for the original claim, less what the debtor has already paid. The creditor's filing fees, service costs, and a prevailing fee for a default will be added. After six months, if one party fails to comply with the signed order, a new case must be filed.

CHAPTER 13 - ARBITRATION

13.031 ARBITRATION COMMISSION

The Arbitration Program will function under the direction of an Arbitration Commission, appointed by the Presiding Judge.

13.041 REFERRING CASES TO ARBITRATION

Cases which are otherwise subject to arbitration will be referred to arbitration as follows:

- (1) Within twenty (20) days of the date on which the Answer is filed, or
- (2) If no Answer has been filed, but the return of service has been received, within ninety (90) days of the date the Complaint is filed, or
- (3) At any time as specifically directed by the Presiding Judge.

13.091 ARBITRATION PANEL

- (1) The Columbia County Arbitration Panel will consist of individuals selected by the Arbitration Commission and having the following qualifications:
 - (a) An attorney with at least five (5) years continuous practice of law in Oregon including significant experience in civil litigation, with a present emphasis in his or her practice of law on civil litigation; or
 - (b) State of Oregon retired or senior judge.
- (2) The parties may stipulate to any arbitrator.
- (3) The panel will be selected by the Arbitration Commission subject to approval of the presiding judge.
- (4) A person desiring to serve as an arbitrator must complete an information sheet on the form prescribed by the court. A list showing the names of the members of the Arbitration Panel will be available for public inspection in the Arbitration Clerk's office. Execution of the form, oath and agreement to serve must be completed and filed before an applicant is eligible to arbitrate a case.
- (5) Refusal and Disqualification - The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any grounds of interest, relationship, bias or prejudice governing the disqualification of judges.
- (6) If disqualified, the arbitrator must immediately return all materials in the case to the Arbitration Clerk and the assignment of the case to arbitration will be repeated.

- (7) No arbitrator will have more than three (3) arbitration cases pending at any given time.

13.121 COMPENSATION OF ARBITRATORS - CIRCUIT COURT CASES

- (1) The Arbitration Commission must establish a compensation schedule for arbitrators. The fee will be paid in equal shares by the parties within fourteen (14) days after the assignment of the arbitrator and will be deposited in the arbitrator's trust account until final disposition of the action. After final disposition, any refunds then owing will be paid within seven (7) business days.
- (2) The maximum fee per case established by the Arbitration Commission is \$750.00 except under extraordinary conditions when the procedural or substantive "complexity" of the matter justifies a higher fee.
- (3) For the purpose of this rule, "complexity" refers to the multiplicity of parties and their representative claims, but may include other factors. If the arbitrator suggests that such extraordinary conditions justify a larger fee, and the parties concur, the fee will be adjusted accordingly and will be paid in full by the respective parties prior to the commencement of the arbitration hearing. If the parties do not concur with the higher fee, the arbitrator will bring the matter to the attention of the Presiding Judge before the commencement of the arbitration hearing. In such circumstances, the Presiding Judge may authorize a higher arbitrator's fee which must be paid before the commencement of the arbitration hearing, but in no event more than fourteen (14) days following the court's written approval.
- (4) If the plaintiff fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court may exercise its authority under UTCR 1.090 to strike the complaint which constitutes dismissal of the proceedings, absent relief prescribed by ORS 36.420(3).
- (5) If the defendant fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court may exercise its authority under UTCR 1.090 to impose an appropriate sanction.

13.122 INDIGENT PARTIES

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived or deferred, the arbitrator will be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator. Such request must be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for up to three (3) hours for each indigent party. The certificate must be accompanied by a copy of the order waiving or deferring fees of indigent party.

- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived or deferred by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one (1) party only, or at a reduced rate.
- (3) The clerk will provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties will select an arbitrator from the list.

13.281 TRIAL SETTINGS ON ARBITRATION CASES WHERE A MOTION FOR DE NOVO TRIAL IS FILED

Every case in which a request for a trial de novo is filed will be set for trial within sixty (60) days of the date that the motion for a trial de novo is filed.