

SUPPLEMENTARY LOCAL TRIAL COURT RULES  
OF THE CIRCUIT COURT  
OF THE STATE OF OREGON  
FOR THE FIFTEENTH JUDICIAL DISTRICT  
(Coos and Curry Counties)



STATE OF OREGON - COOS AND CURRY COUNTIES

I certify that this is a true and correct copy of a document in the possession of the court administrator for the 15th Judicial District.

DATED: 11/20/2024

Court Administrator for the 15th Judicial District (or designee):

s/s Thomas Lankford



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## **CHAPTER 1 – GENERAL INFORMATION**

### **1.151 Hours Open for Business**

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

### **1.161 Filing of Documents**

All documents for Circuit Court cases filed conventionally in Coos County are to be filed at the Coos County Courthouse during the clerk's public business hours. All documents for Circuit Court cases filed conventionally in Curry County are to be filed at the Curry County Courthouse during the clerk's public business hours. Mandatory electronic filing is required for members of the Oregon State Bar per UTCR 21.140.

### **1.171 Fifteenth Judicial District Website**

The website address is: <http://www.courts.oregon.gov/Coos/>

## **CHAPTER 3 – DECORUM IN PROCEEDINGS**

### **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.

### **3.182 Electronic Devices**

- (1) Definition: For the purposes of this rule, electronic devices include, but are not limited to: cellular telephones, pagers, iPads, notebook computers, laptop computers and other devices that electronically communicate via text or email and can access the internet.
- (2) Limitations on Use: Except as permitted by UTCR 3.180, electronic devices must be turned off while in a courtroom or in a jury room. They may be turned on when not in a courtroom or in a jury room, however, such devices shall not be used to record, receive, or transmit video images, pictures, or audio at any time when inside a courtroom, court offices or the hallways outside and leading to a courtroom or court office.

## **CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES**

### **4.006 Testimony by Judges of the Circuit Court, Trial Court Administrator or Staff**

Any matter requiring testimony of a judge of the Coos or Curry County Circuit Court, the trial court administrator, and/or trial court staff will be subject to a preliminary conference to determine scheduling of the witness and the intended subject of the testimony. The party seeking the testimony shall request the conference not less than fourteen (14) days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

### **4.081 Appearance by Simultaneous Electronic Transmission**

An in-custody defendant may choose to appear by simultaneous electronic transmission pursuant to UTCR 4.080 at an arraignment, release, change of plea, probation violation, or a sentencing hearing if allowed by statute.

## **CHAPTER 5 – PROCEEDINGS IN CIVIL CASES**

### **5.006 Testimony by Judges of the Circuit Court, Trial Court Administrator or Staff**

Any matter requiring testimony of a judge of the Coos or Curry County Circuit Court, the trial court administrator, and/or trial court staff will be subject to a preliminary conference to determine scheduling of the witness and the intended subject of the testimony. The party seeking the testimony shall request the conference not fewer than fourteen (14) days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

### **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.

### **5.055 Time for Hearing Motions**

- (1) All motions, except motions for summary judgment, shall be heard at 8:30 a.m., Monday through Friday, four weeks from the date on the certificate of service filed with the court. The original certificate of service shall be attached to the original motion filed with the court and a copy of the certificate shall be attached to the copy of the motion mailed to the opposing party. If the certificate shows it was mailed on a Saturday or Sunday, it shall be deemed to have been mailed on the following Monday. If the day on which the motion is to be heard falls on a non-judicial day, it shall be heard the next judicial day.

- (2) Subsection (1) shall also apply to motions for summary judgment except that the time period shall be five weeks.
- (3) If a party requests an expedited hearing of a motion, the request must be made in the caption of the motion and the party making the request must make arrangements with the court and the opposing party for the motion to be heard.

#### **5.061 Stipulated and *Ex Parte* Matters**

All stipulated and *ex parte* matters shall be presented to the court for signing at 8:30 a.m. in accordance with UTCR 5.060 (4).

#### **5.062 Trial Court File Presented with *Ex Parte* Matter**

If a party presents an *ex parte* matter to the court, the party presenting the matter shall be responsible for notifying the administrator's office so the trial court or electronic file, if any, will be available to the court for inspection.

#### **5.064 Time for Show Cause Matters, Omnibus Hearings and Other Hearings**

- (1) In Coos County, modification hearings under ORS 107.730 and domestic relations show cause hearings, other than support hearings handled by the District Attorney (DA) or Attorney General (AG), are set on Mondays through Fridays at 9:00 a.m. at the Coquille Courthouse. In Curry County, show cause hearings are set on Mondays through Fridays at 9:30 a.m. at the Gold Beach Courthouse except those involving support enforcement which are set, as needed, by the judge's Judicial Assistant.
- (2) Show cause motions shall contain a warning in bold type that if the responding party does not file an appearance within 30 days of service, the party filing the show cause motion may file for judgment in accordance with the requests in the motion. The party filing the show cause motion shall immediately have the motion, order and supporting documents served on the other party and may not grant more than one 30-day extension to the responding party to appear. If the responding party fails to appear, the party filing the show cause motion may apply for judgment in accordance with the motion.
- (3) If a show cause hearing will take more than a half-day, the motion must state the approximate time estimated for the hearing in the caption of the motion.
- (4) A proposed order to show cause must contain a space for the court to insert the date, time, and location.
- (5) Omnibus hearings in Coos County are set in Coquille on Mondays at 9:00 a.m., 10:30 a.m., 1:30 p.m., and 3:00 p.m., except when Monday is a holiday. When

Monday is a holiday, the hearings are set on the following Tuesday. Omnibus hearings in Curry County are set in Gold Beach at times ordered by the judges.

- (6) Other hearings in Coos County are set as follows:
  - a) Child support show cause and contempt hearings are heard in Coquille on the third Friday of each month. District Attorney child support hearings and restraining order contempt trials are at 9:00 a.m. and Department of Justice child support hearings at 11:00 a.m.
  - b) Initial appearance restraining order petitions and renewals are considered in Coquille at 1:15 p.m. on Mondays through Fridays. Restraining order hearings are heard in Coquille at 8:30 a.m. on Mondays through Fridays.
  - c) Stalking order petitions are considered in Coquille at 1:15 p.m. on Mondays through Fridays. Stalking order hearings are heard in Coquille on Mondays through Fridays at times set by the court.
  - d) Hearings on Petitions for Relief from Prohibition against Possession or Purchasing Firearms filed in Coos County are heard in Coquille at times set by the court.

## **CHAPTER 6 – TRIALS**

### **6.005 Trial Times**

- (1) Coos - Domestic trials are set on certain days at 9:00 a.m.
- (2) Coos - Civil jury trials and criminal jury and non-jury trials are set Tuesdays through Fridays at 9:30 a.m., but a trial set for five or more days may be heard on Mondays if so set by the Presiding Judge. Civil non-jury trials are set Tuesdays through Thursdays at 9:00 a.m.
- (3) Juvenile hearings in Coos are set on Mondays of each week. Juvenile trials, except termination of parental rights, are heard on every other Thursday beginning at 9:00 a.m. Termination of parental rights cases are set as provided in subsection (2).
- (4) Curry - In general, jury and nonjury trials are heard Tuesday through Friday beginning at 9:30 a.m. (jury trials are scheduled for the first two weeks of each month).
- (5) Juvenile hearings in Curry are set at 2:30 p.m. on Mondays and trials are set at times designated by the Judge.
- (6) If parties have pretrial matters to discuss with the court prior to the start of a jury trial,

the parties must appear at least 30 minutes before the start of trial and inform the court that pretrial matters need to be heard.

- (7) This rule applies to civil, criminal, domestic, juvenile, and all other types of matters requiring a trial or hearing.

#### **6.008 Trial Fees**

- (1) Pursuant to ORS 21.225 the trial fee for the first day of either a jury or non-jury trial must be paid no later than 12:00 p.m. on the judicial day immediately preceding the first day of trial.
- (2) If the party responsible for paying the trial fee under ORS 21.225 believes such party is entitled to a waiver or deferment of the trial fee under ORS 21.680 to 21.700, the party must obtain from the court a waiver or deferment no later than 12:00 p.m. of the judicial day immediately preceding the first day of trial. Waiver or deferment by the court of a filing fee or other fees for a party does not relieve such party from the obligation of obtaining a waiver or deferment of the trial fee as provided for in this paragraph.
- (3) Failure to pay or obtain a waiver of deferment of the trial fee no later than 12:00 p.m. on the judicial day immediately preceding the first day of trial, in addition to the remedy in ORS 21.225 (3)(c) and (4), may result in other orders by the court, including dismissal of the case.

#### **6.012 Pretrial Settlement Conferences**

- (1) In all circuit court civil cases, including dissolution of marriage and post-judgment modification proceedings, if one party requests a pretrial settlement conference, the settlement conference shall be held and shall be conducted according to the procedure set forth in this rule. However, the pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held. Requests shall be in writing and directed to the Presiding Judge, who will confirm availability of a settlement judge.
- (2) Each trial attorney and party or representative of the corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause. If the judge allows a telephone appearance, the person appearing by telephone must be available at all times during the settlement conference.
- (3) Each settlement conference shall 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.



- (4) The pretrial settlement conferences shall not delay the trial scheduling. Conferences will be set only if a settlement judge is available.
- (5) If the case does not settle, the settlement conference judge shall be permitted to act as trial judge only if all parties so stipulate.
- (6) Before the beginning of the settlement conference, each party shall submit a pretrial statement to the settlement conference judge. The pretrial statement shall contain:
  - a) A brief summary and analysis of the key issues involved in the litigation; and
  - b) The status of any settlement negotiation.
- (7) The pretrial statements shall be confidential and shall not be placed in the trial court file.
- (8) Materials or notes prepared by the settlement conference judge will not be placed in the trial court file in the event that the case does not settle or upon request of either party, and in that event, the materials or notes shall be destroyed by the settlement conference judge.

#### **6.021 Settlement and Call Day**

- (1) Every Friday shall be call day except if that Friday is a non-judicial day, the preceding Thursday shall be call day.
- (2) Call day applies to civil, domestic, show cause, and other contested proceedings, but excluding juvenile cases, termination of parent rights cases, and all criminal cases.
- (3) During the week before a trial, proceeding, or hearing is scheduled to be tried, but not later than 12:00 p.m. on call day, it shall be the responsibility of every attorney who has a trial, proceeding, or hearing scheduled to be tried to notify the office of the presiding judge for cases in Coos County, and the office of the judge in Gold Beach for cases in Curry County whether the matter will be tried. Fulfillment of this requirement can be accomplished by phone or in writing as long as such communication is received by the appropriate judge's office during the week before the matter is to be tried, but no later than 12:00 p.m. on call day.
- (4) If a case is scheduled to be tried before a jury and has been settled, it will be necessary for the parties settling the case to either appear and put the settlement on the record or submit the appropriate dismissal or settlement papers to the court. This shall be done at least one judicial day before the date set for trial. A conference call to put the settlement on the record will be sufficient compliance with this rule. It will be the responsibility of the parties involved to arrange and pay for such call.

- (5) In any trial, proceeding, or hearing scheduled to be tried or heard by the court alone, if a case settles, it will be necessary for the parties involved to either appear in person and put the settlement on the record or submit the appropriate dismissal or settlement papers to the court. This shall be done on or before the time set for trial, proceeding, or hearing. A conference call arranged and paid for by the parties is sufficient compliance with this rule.
- (6) If the case does not settle as anticipated by the parties, they shall be prepared to try the case at the time scheduled or the case shall be dismissed. If the attorney or parties inform the court a case has settled and the trial date passes, the case will not be returned to the trial docket but will be dismissed unless exceptional circumstances are shown.

#### **6.051 Trial Exhibits in Remote Proceedings**

Exhibits for remote trials and hearings must be delivered or submitted to the court in accordance with Presiding Judge Order 21-05. [Oregon Judicial Department : General Orders : Other Court Resources : State of Oregon](#)

#### **6.061 Jury Instructions and Verdict Forms**

All jury instructions and verdict forms must be filed with the court by 8:30 a.m. the day before the trial is set to start.

#### **6.085 Jury Selection**

- (1) In all jury trials the court shall inquire of the jurors initially called as a group and/or individually. After the court has finished its inquiries, each party may inquire of the jurors initially called as a group and/or individually. The court may place reasonable limits on jury selection.
- (2) When a juror is excused for cause or by peremptory challenge, the replacement juror shall be questioned by the court with each party following. The court may place reasonable limits on jury selection.
- (3) Multiple parties must share the times allotted.
- (4) The parties may submit printed questions for the court to ask before the start of trial.
- (5) A request for jury selection other than as provided by this rule must be made in writing at least five judicial days before the trial is scheduled to start.

## **CHAPTER 7 – CASE MANAGEMENT**

### **7.006 Scheduling**

All court matters relating to any case shall be scheduled by the presiding judge or designee.

### **7.015 Pleas in Misdemeanor Cases in Coos County**

- (1) In misdemeanor cases involving a defendant who is not in custody, the change of plea date shall be no later than 49 days after arraignment. A not guilty plea will be entered by the court at arraignment or based on a letter from an attorney indicating the attorney has been retained by the defendant and is appearing for the defendant.
- (2) If the defendant enters a not guilty plea through an attorney, at the change of plea date the attorney shall state on the record or in writing that the attorney has personally talked to the defendant about negotiating a plea before the entry of a not guilty plea and shall inform the court of his/her conflict dates.
- (3) After the change of plea date, a trial shall be held as soon as practicable.
- (4) Attorney letters of representation in contempt of court cases are set by court staff on the third Friday of the month at 9:00 a.m. for cases filed by the local District Attorney and 11:00 a.m. for cases filed by Department of Justice.
- (5) When an attorney appears on behalf of a client in a misdemeanor case, either in person or by a letter of representation, the attorney must file with the court within 14 days of the appearance an acknowledgment signed by the client of the next date at which the client is to appear in court. Failure to file the acknowledgment will result in the case being referred to the District Attorney.

## **CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS:**

### **8.011 Mediation Orientation/Parent Education**

- (1) Pursuant to ORS 3.434 and the Coos/Curry Family Law Plan, individuals involved in dissolutions, child custody or parenting time disputes must complete the court approved online mediation orientation and parent education class. The cost for the online class shall be the responsibility of the parties.
- (2) Participation in the online mediation orientation and parent education class is mandatory unless an Order of Default Judgment has been entered by the court. If future motions are filed by the parties and they are at issue, then the class requirements will need to be met by both parties.
- (3) The parties must complete the online mediation orientation and parent education class prior to the court signing a judgment of dissolution unless the court waives

attendance for good cause shown by motion and affidavit. Sanctions may be imposed by the court if a party fails to comply.

- (4) An in-person mediation orientation and parent education class may be substituted for the above requirements.

## **CHAPTER 9 – PROBATE/PROTECTIVE PROCEEDINGS:**

### **9.001 Notices of Time for Filing Objections**

Notices required in probate or protective proceedings must include the appropriate mailing address for filing objections with the court:

- (1) Coos County: 250 North Baxter Street, Coquille, Oregon 97423.
- (2) Curry County: 94235 Moore St., Suite 200, Gold Beach, Oregon 97444.

### **9.004 Extensions of Time**

The court will allow an extension of up to 30 days for filing any document if such extension of time is requested in writing and filed with the court. If any further extension of time is necessary, a motion, supporting affidavit or declaration, and proposed order must be filed with the court.

### **9.005 Late Filing Notices**

The court will send a delinquency notice to a fiduciary for each failure to timely file a required document. If the fiduciary fails to comply with the terms of the notice, the court will issue an order for the fiduciary and any attorney for the fiduciary to appear in court and show cause why the fiduciary should not be removed.

## **PROBATE ISSUES**

### **9.023 Timely Closing of Estates**

If an estate is not ready for final distribution at the filing of an annual accounting, the personal representative shall provide to the court an explanation of the reasons why the estate is not ready for distribution.

## **PROTECTIVE PROCEEDINGS**

### **9.081 Manner for Oral Objections**

Persons permitted to present oral objections in protective proceedings may do so during regular court hours. For Coos County cases the location to present oral objections is the State Court Civil/Domestic office on the main floor of the Coos County Courthouse at 250

North Baxter Street in Coquille. For Curry County cases the location to present oral objections is the State Court Civil/Domestic office on the main floor of the Curry County Courthouse at 29821 Ellensburg Ave in Gold Beach.

### **9.082 In General**

A petition for the appointment of a fiduciary shall designate in the caption whether the respondent is an adult or minor, whether the appointment is sought for a temporary or permanent basis (or both), and whether the petitioner is seeking the appointment of a guardian or conservator (or both).

### **9.083 Visitors**

Arrangements must be made for a visitor prior to filing a petition for a temporary guardian. The probate clerk can be contacted for the names of court-approved visitors. The petitioner can request appointment of the visitor in the petition, rather than by separate motion.

### **9.084 Waiver of Annual Accounting**

No annual accounting will be required in conservatorship proceedings if all assets of the conservatorship estate are placed with a financial institution subject to withdrawal only on order or judgment of the court, and a writing signed by the financial institution is filed with the court that shows the assets held and that such assets are subject to withdrawal only on further order or judgment of the court.

### **9.092 Minors**

A petition seeking the appointment of a guardian for a minor who is either (a) a member of an Indian tribe or (b) eligible for membership in an Indian tribe and a biological child of a member of an Indian tribe shall contain a statement that the Indian Child Welfare Act (ICWA) applies to the protective proceeding.

## **ACCOUNTINGS**

### **9.161 Form of Accountings**

Accountings in estates and conservatorships shall be submitted in the form specified in UTCR 9.160.

### **9.164 Changes in Accounting Period**

The court will allow a change in accounting period for the convenience of the fiduciary. A motion, supporting affidavit or declaration, and proposed order are required.

## **CHAPTER 11 – JUVENILE COURT PROCEEDINGS**

### **11.005 Appearance Required for Summons Issued as Authorized by ORS 419B.812**

A parent who is served with a summons as authorized by ORS 419B.812 must appear personally before the court at the time and place specified in the summons for a hearing on the allegation(s) of the petition.

### **11.081 Settlement of Termination of Parental Rights Cases**

- (1) The parties may resolve termination cases by execution of Relinquishments and Certification of Irrevocability at any time up to seven calendar days before a scheduled court trial. The State must file a motion to dismiss and attach the documents for filing with the court. ICWA relinquishments shall be executed in court per 25 USC §1913(a) after a colloquy with the parent.
- (2) The parties may resolve termination cases by execution of stipulated voluntary termination judgments at any time up to seven days before a scheduled trial. The judgment shall be executed in court after a colloquy with the parent. The document shall be entitled Stipulated Voluntary Termination of Parental Rights Judgment. If there is new information or good cause to allow this type of resolution closer to a scheduled trial, the assigned TPR judge or juvenile court judge may allow a stipulated voluntary termination closer to trial on a case-by-case basis.
- (3) Other than as set forth in subsection (2), the parties may resolve termination cases by stipulating to the petition at any time. The judgment shall be executed in court after a colloquy with the parent. The document shall be entitled Stipulated Termination of Parental Rights Judgment.

### **11.111 Filing of Exhibits**

- (1) Parties shall efile all proposed exhibits prior to a hearing and notify the court if any party objects to the judge reviewing the exhibits prior to that hearing. In Coos County, notification is through the [coo-juvenile@ojd.state.or.us](mailto:coo-juvenile@ojd.state.or.us) email address. In Curry County, notification is through the [cur-juvenile@ojd.state.or.us](mailto:cur-juvenile@ojd.state.or.us) email address.
- (2) Any exhibit offered the day of the hearing shall be filed with the court on the day of the hearing, or by the end of the next judicial day.

## **CHAPTER 13 – ARBITRATION**

### **13.005 Arbitration Program**

- (1) Pursuant to ORS 36.400 the Fifteenth Judicial District has established an arbitration program.

- (2) Instead of referring a case to arbitration, the parties may stipulate that the court shall act in accordance with the applicable arbitration rules in UTCR Chapter 13, but there shall be no trial de novo.
- (3) Proceedings conducted pursuant to subsection (2) shall not be reported unless the parties prior to the start of the proceeding pay the trial fee for a nonjury case.
- (4) If the parties enter into a stipulation provided for in subsection (2), the matter shall be tried to a judge in the Fifteenth Judicial District chosen by the parties. If the parties cannot agree upon the judge who is to try the case, a judge not otherwise properly disqualified shall be assigned by the Presiding Judge.

### **13.051 ARBITRATION WHEN CASE ALREADY SET FOR TRIAL**

In all cases subject to mandatory arbitration a trial date will be set in accordance with the court's regular trial setting procedure and UTCR 7.020(5). All requests to reset a trial date must comply with UTCR 6.030.

### **13.121 COMPENSATION OF ARBITRATORS**

- (1) In all cases the arbitrator's fee will be set by the arbitration commission.
- (2) Each party shall pay one-half of the arbitrator's fee and it shall be paid in accordance with UTCR 13.120(2).
- (3) If a case settles before the date of the arbitration the arbitrator shall refund the preliminary payment except for an amount set by the arbitration commission.
- (4) The parties and arbitrator may use the procedure in UTCR 13.120(1) to adjust or request a higher fee than set above.

(\*Note - The Arbitration Commission has set the arbitrator's fee at \$500.00 for every 3 and a half hours or a part thereof. If the arbitration is canceled or settled after it has been set for hearing, the arbitrator will be able to retain one-half of the initial fee.)

## **CHAPTER 16 – VIOLATIONS**

### **16.015 REPORTING MATTERS**

If a violation or a traffic infraction matter is to be reported, the moving party must file a written request seven (7) working days before the scheduled hearing.

**CHAPTER 21 - FILING AND SERVICE BY ELECTRONIC MEANS; ELECTRONIC FILES OF THE COURT**

**21.071 Expedited Filing**

Any filer submitting an expedited filing through the e filing system shall separately notify the court that an expedited filing has been submitted. Notification shall occur telephonically. A filer must speak with a court clerk in a department related to the case filing.