

Supplementary Local Rules

The Circuit Court of the State of Oregon

The Seventh Judicial District

Effective February 1, 2020



State of Oregon
County of Hood River
I certify this is a true and correct copy
of a document in the possession of the
Circuit Court of Hood River County.
Angela K. Jensen
Clerk of the Court
Date: 12-23-19

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SUPPLEMENTARY LOCAL RULES (SLR)
SEVENTH JUDICIAL DISTRICT

SLR 1.171 WEBSITE

The Seventh Judicial District maintains a website for each of the counties in the district.

The websites can be found at:

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

http://courts.oregon.gov/courts/Hood_River/

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

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

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

SLR 4.011 TRIALS AND MOTIONS IN CRIMINAL CASES

Trials and hearings on motions in criminal cases will be set by the docket clerk. Counsel and unrepresented parties will be notified of the date and time of the hearing as follows: (1) in person or by telephone; (2) electronic email notification; or, (3) in writing. When the notification is done in person or by telephone, when time permits, electronic or written confirmation of the date and time will be sent to the attorney or unrepresented party. In all cases where electronic notification is sent to the attorney, the notice will be emailed to the email address on file with the Oregon State Bar (OSB). In all cases where written notification is sent, the notice will be mailed to the last the address provided to the court by the attorney or unrepresented party.

SLR 5.011 TRIALS AND MOTIONS IN CIVIL CASES; SHOW CAUSE ORDERS

Trials and hearings on motions in civil cases, including orders to show cause, will be set by the docket clerk. Counsel and unrepresented parties will be notified of the date and time of the hearing as follows: (1) in person or by telephone; (2) electronic email notification; or, (3) in writing. When the notification is done in person or by telephone, when time permits, electronic or written confirmation of the date and time will be sent to the attorney or unrepresented party. In all cases where electronic notification is sent to the attorney, the notice will be emailed to the email address on file with the Oregon State Bar (OSB). In all cases where written notification is sent, the notice will be mailed to the last the address provided to the court by the attorney or unrepresented party.

SLR 8.013 PARENT EDUCATION

(1) In any case where custody or parenting is an issue before the court, unless the court finds good cause to order otherwise, the parties shall attend a parent education program approved by the court.

(2) If the parent fails to attend or complete the parent education program, the court may exercise its authority under UTCR 1.090 to impose sanctions against the parent.

SLR 8.075 PARENTING PLAN

(1) Oregon law recognizes that children should have frequent and continuing contact with parents who have shown the ability to act in the child's best interest. Parents are encouraged to share in the rights and responsibilities of raising their children, and to consider the best interests of their children in developing a parenting plan. At the very least, a parenting plan must outline the minimum amount of time each parent is entitled to spend with the child. That time is called "parenting time."

(2) The purpose of a Parenting Plan is to provide assistance to parents who have not otherwise developed a Parenting Plan. Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time.

(3) Please refer to the websites listed in SLR 1.171 for information, work sheets and an example designed to assist in the development of a Parenting Plan.

SLR 9.081 ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS

(1) Any interested person, as described in ORS 125.075(1), may present oral objections to a petition in a protective proceeding to the clerk of the court for that jurisdiction. When presented with an oral objection within the statutory time frame, the clerk of the court shall reduce the oral objection to writing by utilizing the Form for Documenting Oral Objections in Protective Proceedings and upon waiver or receipt of the filing fee required by ORS 21.310(5), shall cause the written objection to be filed in the protective proceeding.

(2) Please refer to the websites listed in SLR 1.171 for the location and daily hours of operation for the court clerk and for the Form for Documenting Oral Objections in Protective Proceedings.

SLR 12.005 MATTERS SUBJECT TO ALTERNATIVE DISPUTE RESOLUTION (ADR)

(1) The Seventh Judicial District has a mandatory Alternative Dispute Resolution (ADR) program pursuant to ORS Chapter 107 for matters involving disputes over child custody and parenting time, and pursuant to UTCR Chapter 13 and ORS Chapter 36 for other matters, except those excluded under section 12.005(3) of this rule. Litigants may satisfy this requirement by participating in a judicial settlement conference, mediation or arbitration.

(2) Except as outlined in paragraph 12.005(3) of this rule, all cases are subject to this rule when the case is at issue. "At issue" means that the case is ready to be set for trial or, if a party seeks to modify the parenting time or custody provisions of a dissolution of marriage judgment or a judgment establishing paternity, when the case is ready to be set for hearing.

(3) The following cases are excluded from the ADR requirement: FEDs; Probate; Small Claims; Adoptions; Filiation proceedings when the only question is paternity; Support Enforcement matters; Motions to modify child support orders; Juvenile Delinquency and Dependency cases; Criminal cases; Family Abuse Prevention Act restraining orders, issued under ORS 107.700 to 107.732; Elder Abuse Prevention Act restraining orders, issued under ORS 124.005 to ORS 124.040; Temporary Restraining Orders and Preliminary Injunctions under ORCP 79; Expedited Parenting Time Enforcement

matters under ORS 107.434; Challenges to Ballot Title Measures; Guardianships; Domestic Relations matters where the parties do not have minor children.

(4) A party may request that a case not exempt under 12.005(3) of this rule be excused from compliance with this rule. The motion must be substantially in the form of the Motion to be Excused from Compliance with SLR 12.005 found on the websites listed in SLR 1.171 and submitted to the judge to whom the case has been assigned or, if the case has not been assigned to a judge, to the presiding judge. If good cause exists, the judge may excuse the case from compliance with this rule.

SLR 12.035 ADR COMMISSION

(1) The Seventh Judicial District shall maintain an ADR Commission pursuant to the functions and membership requirements of the Oregon Revised Statutes, Oregon Administrative Rules, the Uniform Trial Court Rules and this rule.

(2) In addition to its other duties, the Commission shall monitor the ADR program, advise the court regarding ADR services, review qualifications and training of arbitrators and mediators participating in, or seeking to participate in, the court annexed program, establish a compensation schedule applicable to the court annexed cases for arbitrators and mediators, prepare a notice of the availability of ADR, and hire staff or contract with an individual or organization as the Commission deems necessary to coordinate the ADR. The notice of the availability of ADR shall include, in addition to a description of the ADR

alternatives, the name and telephone number of the person whom the parties contact to initiate mediation or arbitration and the manner in which the parties select a mediator or arbitrator. (See Appendix A.)

(3) The ADR Commission shall include, at least, the following as members: the presiding judge (hereinafter, all references to “the presiding judge” mean the presiding judge or a judge designated by the presiding judge), the trial court administrator, an attorney, a court clerk, a mediator and/or arbitrator.

(4) The term of appointment to the commission shall be two years. The presiding judge may reappoint a commission member. The presiding judge may remove a commission member at the judge’s discretion.

SLR 12.036 ADR PANEL ESTABLISHED

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

(2) There shall be a panel of arbitrators comprised of arbitrators who satisfy the requirements of UTCR 13 and have been appointed by the presiding judge.

SLR 12.037 APPOINTMENT TO ADR PANEL

(1) To apply for inclusion on the ADR panel of mediators and arbitrators, a person must sign and file an application provided by the commission.

(2) The ADR commission shall review each application and make a recommendation to the presiding judge. The commission may require that applicants appear before the commission in person.

(3) The decision as to whether an individual is qualified to be on the panel and the number of panel members shall be made by the presiding judge, after considering the advice of the commission.

(4) The term of appointment to the panel shall not exceed two years. The presiding judge may reappoint a panel member.

SLR 12.038 REMOVAL FROM THE ADR PANEL

(1) The ADR commission shall monitor the performance of ADR panel members and report to the presiding judge as appropriate.

(2) The presiding judge may remove an ADR panel member from the court panel at the presiding judge's discretion, after considering the advice of the commission.

SLR 12.062 REFERRAL TO ADR

(1) When a party files a complaint, petition or answer, the court clerk receiving the filing shall provide the party a copy of the notice of the availability of ADR.

(2) When a case is at issue, it shall be the responsibility of the party who initiated the case to contact the court for the purpose of scheduling a judicial settlement conference or to contact the person designated by the commission to initiate mediation or arbitration.

SLR 12.085 ASSIGNMENT OF MEDIATOR OR ARBITRATOR AND SCHEDULING

(1) Unless the parties hire a mediator, mediators shall be assigned from the court's panel on a rotating basis. The parties shall select an arbitrator in a manner to be set forth in the arbitration assignment and payment policy described in Appendix A.

(2) The mediator or arbitrator shall notify the parties of the date, time, and meeting place of the initial mediation or arbitration session. Additional sessions shall be set at the discretion of the mediator or arbitrator.

(3) The parties may choose, at their option and expense, forms of ADR other than those provided by these rules. Parties entering into private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.

(4) If the parties elect a form of ADR other than those provided for by these rules, the parties must still comply with the timing and reporting requirements of these rules.

(5) If a party objects to the court annexed mediator or arbitrator, the party may request reassignment to another mediator or arbitrator by filing an affidavit with the presiding judge, or the judge assigned to the case, setting forth good cause for the request. The judge may grant the request if good cause is shown.

SLR 12.125 COMPENSATION OF MEDIATORS AND ARBITRATORS

(1) In cases under ORS 107, the commission shall establish a payment schedule. In all other cases, payment of the mediation or arbitration fee is due within 14 calendar days of notice of assignment of an arbitrator or mediator. In such cases, each party shall pay directly to the mediator or arbitrator one-half of the prescribed fee, unless the parties and arbitrator or mediator agree otherwise. In arbitration cases, the arbitrator shall advise the parties of the possibility of a waiver or deferral of the arbitration fee under ORS 36.420(2). Motions to waive or defer arbitration fees shall be submitted directly to the court and ruled upon by the presiding judge.

(2) Excepting cases where fees are waived or deferred pursuant to ORS 36.420(2), if either party fails to pay the prescribed mediation or arbitration fee within 14 calendar days of assignment, the mediator or arbitrator shall report the non-payment to the court

in writing to allow the court to determine whether it is appropriate to sanction the party under UTCR 1.090.

SLR 12.165 COMPLETING ADR

Any case assigned to mediation or arbitration must complete the mediation or arbitration within 90 days of assignment, unless otherwise ordered by the court.

SLR 12.225 SETTLEMENT BY ADR

(1) The results of mediation or arbitration shall be reported to the court by the mediator or arbitrator as "settled" or "not settled."

(2) Within ten judicial days of reporting a case as "settled," the mediator or arbitrator shall file any written agreement, signed by the parties, with the court and notify the court which party shall be responsible for filing the appropriate motion, order or judgment with the court.

(3) If the parties are not able to settle a case through mediation, the case will be set for trial and not be required to be arbitrated.

SLR 12.275 GOOD FAITH ALTERNATIVE DISPUTE RESOLUTION

Under circumstances not limited to the following, the court may exercise its authority under UTCR 1.090 to impose sanctions against a party.

(1) The party or attorney fails to attend a scheduled mediation session, arbitration hearing or judicial settlement conference.

(2) The party or attorney fails to act in good faith during the mediation, arbitration or judicial settlement conference.

(3) The party or attorney fails to submit on a timely basis paperwork required as a part of the mediation, arbitration or judicial settlement conference.

(4) The party or attorney fails to have a principal necessary to approve the resolution of a case present or readily available, by telephone or other means, at the time of the mediation, arbitration or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this section of the rule.

**SLR 16.005 TESTIMONY BY AFFIDAVIT OR DECLARATION UNDER PENALTY OF
PERJURY IN TRAFFIC VIOLATION TRIAL**

(1) With the express permission of the trial court, testimony in a traffic violation trial may be presented by affidavit or by declaration under penalty of perjury, pursuant to ORS 153.080. The defendant may complete and sign a waiver and declaration form provided by the court and return it to the court in advance of trial. Once a waiver and written testimony is received by the court, any other witness may have their testimony presented to the court by affidavit or declaration.

(2) Copies of the affidavit or declaration shall be available to the opposing party prior to trial.

SLR 16.015 VIOLATIONS BUREAU

(1) Pursuant to ORS 153.800, the Seventh Judicial District establishes a Violations Bureau.

(2) A person cited for a traffic violation may appear at the Violations Bureau to dispose of the citation or may pay the Violations Bureau fine and assessment for the traffic violation by ePay, by mail, or by signing the appearance, plea of guilty and waiver on the back of the UTC. Any of these the above options must be exercised before the first appearance date.

(3) If the cited person appears personally, a form recording the person's appearance, advice of rights, waiver of trial and plea of guilty shall be signed and filed with the court.

(4) The fine and applicable assessment(s) shall be paid immediately and in full at the Violations Bureau, unless the court approves a deferred payment.

(5) The Violations Bureau may dispose of violation citations involving animal control, marine, and fish and game offenses as well as traffic offenses.

**APPENDIX A: ARBITRATION ASSIGNMENT AND PAYMENT POLICY
(See SLR 12.035(2))**

I. Referral to arbitration

When a case is referred to arbitration, a list of four court-annexed arbitrators will be furnished to the parties by the court. The parties are encouraged to stipulate to an arbitrator. In the absence of the stipulation within 14 days after a case is referred to arbitration, an arbitrator shall be chosen in the manner defined below.

II. Appointment of arbitrators

Within 14 days after a list of court-annexed arbitrators is furnished to the parties, each party shall respond to the court by nominating two arbitrators. The parties should indicate which arbitrator is the parties' first choice. The parties need not serve their responses on the other party.

The failure of a party to respond shall be deemed to be a waiver of that party's right to participate in the arbitrator selection process.

A. No response by any party

If no party responds to the court within 14 days, an arbitrator will be appointed by the court from a rotating list. If the next arbitrator on the list is not qualified for the issues presented in a certain case, the arbitrator will be passed and the next qualified arbitrator on the list will be appointed.

B. Response by only one party

If only one party responds and that party nominates arbitrators in order of preference, that party's arbitrator of preference will be appointed.

C. Two adverse and both respond

- i)** If both parties respond and only one arbitrator is nominated, that shall be considered a stipulation and the arbitrator will be appointed.

- ii)** If both parties respond and nominate the same arbitrator as their first choice, that shall be considered a stipulation and the arbitrator will be appointed.

- iii)** If both parties respond and name the same two arbitrators in the same order of preference, that shall be considered a stipulation to the arbitrator

of first preference and that arbitrator will be appointed.

iv) If both parties respond, each nominating two arbitrators with only one arbitrator being nominated by both parties, but that arbitrator not receiving the same preference by each party, that arbitrator shall be appointed by the court.

v) If both parties respond and each nominates two arbitrators but no one arbitrator is nominated by both parties, the court shall appoint the arbitrator whose last appointment by the court is the least recent.

D) More than two adverse parties and at least two respond

If there are more than two adverse parties, each party shall nominate one arbitrator. An arbitrator who is nominated by a majority of the parties shall be appointed. If no arbitrator is nominated by a majority of the parties, an arbitrator shall be selected and then appointed by the court in the manner used when no party responds as is described above in paragraph II) A).

III) Payment

The court-annexed arbitrators shall presumptively charge the hourly rate set by the Arbitration Commission/Alternative Dispute Resolution Commission. The presumptively hourly rate and maximum hours shall apply unless the parties and arbitrator agree otherwise. The arbitrator is to be paid by the parties as agreed by the parties or as determined through arbitration.