

Circuit Court of the State of Oregon for Multnomah County
Draft Supplementary Local Rules
Effective February 1, 2014
Summary of Changes By Amended Rule

1) **Explanation:** Updates SLR 1.161 on filing information and adds the East County Courthouse as a filing point for any Civil cases, Domestic Relations cases and Small Claims, in addition to the filing of documents for misdemeanor and violation offenses committed east of 122nd Avenue. FEDs, Probate, and Protective Proceedings cannot be filed in the East County Courthouse at this time.

**1.161 DIVISIONS OF THE OFFICE OF THE TRIAL COURT
ADMINISTRATOR WHERE DOCUMENTS ARE RECEIVED FOR
FILING**

(1) The Office of the Trial Court Administrator receives documents for filing in the following divisions. In the **Multnomah County Courthouse:** the divisions are Civil, including Small Claims and FED, Domestic Relations, Probate, Traffic, Parking and Criminal. In the **Juvenile Justice Complex:** all Juvenile matters. In the **East County Courthouse:** Criminal, **{Civil, Domestic Relations,}** Traffic and Small Claims matters **{may be}** filed in that court location. Documents [*should*] **{must}** be delivered to the appropriate division for filing.

(2) Documents delivered by mail to the court, or left in the court's mail room for delivery, will be received for filing when delivered in the normal course of distribution of documents from the mail room to the appropriate division of the Office of the Trial Court Administrator. If a fee is required to be paid prior to filing of a document, then filing may occur only if the fee is satisfied. In all other cases, filing will be accomplished on the date the documents are distributed to the appropriate division **{as set out in paragraph (1) of this rule}**.

(3) Documents transmitted directly to the clerk's office by facsimile transmission (FAX) will not be received for filing.

(4) The street address for the downtown courthouse is:

Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, OR 97204-1123

Addresses for other court locations are as follows:

Justice Center
Third Floor
1120 SW Third Avenue
Portland, OR **{not for mail}**

Juvenile Justice Center
1401 NE 68th Avenue
Portland, OR 97213

East County Courthouse
18480 SE Stark Street,
Portland, OR 97233

2) **Explanation:** Updates SLR 4.007 to replace a reference to a 2011 Session Law.

4.007 WRITTEN PETITION REQUIRED TO BE FILED BY VICTIM OR PERSONAL APPEARANCE OF VICTIM FOR HEARING TO REMOVE NO CONTACT ORDER IMPOSED UNDER ORS 135.250 OR [CHAPTER 232 OREGON LAWS 2011] {ORS 135.247}

- (1) “Petition” as used in ORS 135.250 (2)(b)(A) and in ORS 135.247 (4) means a written petition signed and filed or presented at the hearing for filing in the criminal action by the victim or by a district attorney who has agreed to assert this right for the victim. In the alternative, an appearance by the victim at the hearing to modify or remove the no-contact conditions and stating on the record orally the petition to waive the required condition of release or custody that the defendant not have contact with the victim of the domestic violence or of the sex crime satisfies this requirement.
- (2) Absent a written petition or appearance by the victim at the hearing as set out in section (1) of this rule, the court will continue the no contact order imposed under ORS 135.250 (2)(a) or ORS 135.247 pending a petition by the victim.
- (3) A written petition under section 1 of this rule may be filed on the court’s form (see Form 23-90, Page 102, Appendix of Forms), or in a document that is in the same format and contains the same heading, caption and content.

3) **Explanation:** Amends SLR 4.015 to clarify the requirement.

4.015 DISCOVERY

Before any Motion to Compel Discovery is filed, a demand must have been made for the materials. The motion shall include a statement that such a demand was made [, but] { **and the demand was** } not complied with in whole or in part.

4) **Explanation:** Updates SLR 4.025 to align the rule generally to the current process in the Criminal Procedure Court and to remove replaced procedures.

4.025 CRIMINAL CASE POSTPONEMENTS BY PRESIDING JUDGE; CRIMINAL EX PARTE

(1) Postponements of felony cases may be presented to the Presiding Judge at Call or to the Chief Criminal Judge prior to Call by setting a scheduling conference with Chief Criminal Court, at which both the defense attorney and assigned deputy district attorney are present. Requests for postponement will not be allowed by the Chief Criminal Judge if received less than three judicial days before the next Call appearance in Presiding Court. Such requests must be presented at the Call proceeding as required by SLR 7.035.

(2) Motions to Rescind Bench Warrants ordered at a Call proceeding shall be presented only to the Presiding Judge or designee at the morning ex parte session specified under SLR 5.025. All other felony ex parte matters shall be presented at the morning or afternoon ex parte sessions specified in SLR 5.025.

(3) {**A**}*[The first or second]* request for postponement of a misdemeanor or other case assigned to the Criminal Procedure Court *[may]* {**must**} be presented at *[the Friday pre-trial conference, if the requested postponement is for a period of less than five weeks. A written motion is not required for first set-over requests, except in cases involving domestic violence; a written request is required for every domestic violence set-over request and for a second set-over request to set-over any other misdemeanor case]* {**the Criminal Procedure Court**}.

[(4) Third or subsequent requests for postponement of a misdemeanor assigned to the Criminal Procedure Court or requests for a postponement longer than five weeks will be referred to the Criminal Procedure Court Judge. Written requests for postponement are required in those circumstances. The motion shall set forth the specific reason for the request and contain a statement that opposing counsel was contacted and indicate counsel's position. Opposing counsel must also be identified by name in the motion.]

5) **Explanation:** Updates SLR 4.075 at paragraphs (8) and (9) to align the rule with current practice in diversion proceedings.

4.075 DUII DIVERSION

The following procedures shall apply to all driving under the influence of intoxicants (DUII) cases:

(1) On each charge of DUII, the district attorney shall review the incident and the defendant's history to determine if the defendant is eligible for DUII Diversion or if the state will object to the defendant's participation in the diversion program. This review shall be completed prior to the date set for the first appearance of the defendant on the charge. The determination of whether the defendant is eligible for participation in DUII Diversion shall be announced at the first appearance proceeding.

(2) If the defendant appears at the time set for first appearance, is unrepresented by counsel and requests time to obtain counsel, the defendant's arraignment will be set over for two weeks only, unless a longer period is permitted by the court.

(3) In all other cases, counsel will be appointed if it is appropriate to do so, the defendant will proceed with retained counsel, or the defendant will be allowed to proceed without counsel.

(4) The court will arraign the defendant at first appearance. If the district attorney has determined that the defendant is eligible to enter DUII Diversion, then the case will be continue for the defendant to file the diversion petition and to appear to enter a plea of guilty. (See Forms 08-27, 08-20, 08-09, 08-27B and 08-07 Pages 115-123, Appendix of Forms.) If the state is not able to determine if the incident or the defendant are diversion eligible at the time of arraignment or determines that the defendant is not eligible to enter diversion and files objections, then the case will be set for jury trial in the normal course with leave to the defendant to file a petition, if timely, and to set a hearing for the court to make a final determination on this issue.

(5) If more than 30 days has elapsed from the date of first appearance set on the uniform citation summons and complaint or set in a release agreement on a release from custody on a law enforcement officer's probable cause arrest and booking of the defendant for DUII, the defendant must first appear for a determination by the court that there is good cause for the late filing of the petition before the defendant may be accepted into the diversion program.

(6) Objections to Diversion

(a) The District Attorney's objections to diversion shall be in writing.

(b) The defendant or the defendant's attorney will be given notice by the Court that an objection has been filed.

(c) If the defendant elects to contest the objection, the defendant may set the objection for a formal hearing.

(d) Contested objection hearings may not be utilized to seek post-conviction relief on a prior conviction. Such relief shall be filed with the Circuit Court.

(e) If an objection is contested and the Court sustains the objection to diversion, or if the defendant elects not to contest the objection, the case shall be set for trial or plea.

(7) No refunds of diversion fees will be made to any individual who for any reason fails to complete the program after diversion has been granted.

(8) If companion violation offenses are filed at the time the diversion charge is filed, such companion citations will remain with that charge until the petition is allowed by the Court. If the petition is allowed, the judge in the diversion court will take a plea of guilty or set the companion charges for trial **{unless otherwise ordered by the court}**.

(9) If a misdemeanor is filed with a diversion charge, the cases shall be consolidated, and shall remain consolidated, until the Diversion hearing. If Diversion is granted, the cases shall be severed and the companion case will be set for trial **{unless otherwise ordered by the court}**.

(10) If a diversion offense is filed in a single charging instrument with one or more felony

charges, unless severed, the diversion petition must be filed timely in the case containing the felony charges.

(11) Diversion cases filed in the East County Courthouse shall be processed and screened as indicated in this Rule. The judge will rule on the timeliness of the Diversion request and will determine whether Diversion will be allowed.

(12) Except for SLR 4.075(11), decisions on diversion eligibility or disqualification will be made by the judge assigned to the diversion court. Decisions on whether to grant or deny an extension of the 12 month diversion period under ORS 813.225 will also be made by the judge assigned to the diversion court. No attorney or defendant shall request that judge's decision to be reconsidered or reviewed by any other judge in the Circuit Court.

6) Explanation: Creates new SLR 5.014 for the assignment of a motion judge in a civil action. With the changes in 2012, the former practice of motion judges being assigned by the civil staff on an ad hoc basis as each motion is presented was discontinued. Motion judges are now assigned to a case early in the life of the action. This new rule provides the process for parties to follow to determine the name of the assigned motion judge: the name will be given by mail under paragraph (1); the name may be requested by an ex parte appearance under paragraph (2) if the mailed notice is not timely for the needs of the parties; and, paragraph (3) contains limits on the assignment of a motion judge and a means to resolve the limits. This rule is necessary due to changes in SLR Chapter 7.

{5.014 ASSIGNMENT OF A MOTION JUDGE FOR A CIVIL ACTION

(1) A motion judge for a case will be assigned to each civil action at the time all parties have appeared and any non-appearing parties are subject to an order of default, or have been dismissed from the action. The assignment of a motion judge will be by order of the presiding judge filed and entered in the action and written notice of the order will be provided by the court to each appearing party by sending it to the party's electronic or US Postal Service mailing address for purposes of the action.

(2) If a motion judge for a case is required prior to the times set out in section (1) or as provided in section (3), then the moving party must appear at the presiding judge's ex parte time for civil actions and request that a motion judge be assigned to the action. The presiding judge will assign a motion judge by order at that time. Actual notice of the motion judge assigned to the action must be provided to all appearing parties by the party appearing at ex parte. Prior notice of the ex parte appearance must be given as required by SLR 5.025.

(3) A motion judge will not be assigned under this process to any case that is a writ of review or a writ of mandamus, that is otherwise specially assigned by the presiding judge to a judge, including complex cases, or any case assigned to arbitration, where the arbitrator has authority to hear and determine the matter. If the motion is beyond the authority of an arbitrator, if arbitration is concluded and the case will continue, if the special assignment

of the case is ended and additional pretrial motions are required or there is any other circumstance where a motion judge is needed and one has not been assigned, then a party may appear as provided in section (2) of this rule and request the assignment of a motion judge.

7) **Explanation:** Amends SLR 5.015 to remove the parts of the rule which applied only to cases filed on or before February 1, 2012 with regard to setting motions. This rule maintains the alternative process for setting Motions for Summary Judgment and provides a process for those motions in paragraph (5). In all other aspects, to set a motion, a party must contact the motion judge assigned to the case, and if one is not assigned must proceed to ex parte as provided by SLR 5.014 (2). The setting of an expedited motion, paragraph (3), becomes a question for the assigned motion judge, except for Motions for Summary Judgment. The rule retains the requirement that the moving party must coordinate dates and times for all parties in setting a motion, and must give notice of the motion date and time set with the motion judge.

**5.015 CIVIL ACTION MOTION SETTING;[*MOTION PRAECIPE RULE*];
RESPONSIBILITY OF MOVING PARTY [*FOR ACTIONS SUBJECT TO SLR
7.011*];AUTOMATIC CONSENT TO HEARING BY NON-APPEARING PARTY**

Methods of Setting Civil Motions

(1) In circuit court civil actions, contested pretrial motions (excluding ex parte) shall be [*placed on the civil motion docket only by motion praecipe*] **{set for hearing by contacting the assigned motion judge in the action, by contacting the Civil Calendaring Motion Clerk for setting a motion for summary judgment,** by an Order to Show Cause, **{or}** by order of the Presiding Judge or the Presiding Judge's designee [*or as directed at the initial case management conference for civil actions subject to SLR 7.011*]*for actions filed on or after February 1, 2012*].

(2) If the Presiding Judge places a motion on the civil motion docket, the Court may provide notice by telephone.

(3) Requests for an expedited setting of a civil motion **{,other than an expedited setting of a motion for summary judgment,** [*must be made at the presiding judge's ex parte time , if the civil action was filed prior to February 1. For civil actions filed on or after February 1, 2012 and subject to SLR 7.011, the request for an expedited hearing*] must be presented to the judge assigned as the motion judge in the action. If no motion judge has been assigned, then the request **{for a motion judge}** must be made at the presiding judge's ex parte**{, as provided in SLR 5.014 (2). A request for an expedited setting of a motion for summary judgment must be presented to the Presiding Judge at ex parte}**.

[Motion Praecipe Rule: Paragraphs (4) through (9) of this Rule

General Requirements and Applicability

(4) *Unless specifically excepted from this requirement by provision of this rule, a motion praecipe form shall be attached by the moving party to the front of all copies of motions, including motions granted an expedited hearing, sent to the judge hearing the motion and to the parties. It is not required to attach a motion praecipe to the original file copy of the motion to be heard. A motion praecipe shall be attached or delivered when required under this rule, even when the moving party waives appearance. Except for motions set on the motion calendar by the granting of an expedited hearing, every motion to be set by praecipe must begin the setting process by calling the Civil Calendaring Motion Clerk at (503) 988-3168. The Civil Calendaring Motion Clerk sets motion hearings far enough into the future to provide time for a response and reply; a hearing should not be set if the motion will not be filed within seven days. Seven days permits sufficient time for responding document filing and service.*

Exceptions

(5) *Motion praecipe are not required on small claims, FED, family law, juvenile or probate cases, nor on civil cases which have either been assigned to arbitration, specially assigned to a judge for all pretrial proceedings, are placed on a motion docket by an order to show cause or an order of the Presiding Judge, or are filed after February 1, 2012 and thereby subject to SLR 7.011.*

Delivery Requirements and Sanctions

(6) *The original motion praecipe shall be attached to the assigned judge's copy of the motion, including motions assigned to pro tem judges, and delivered to the assigned judge at the time the motion is filed. A copy of the motion praecipe shall be attached to the service copy of the motion and delivered to all parties. Failure to deliver a praecipe and copy of the motion when required by this rule may result in sanctions as provided by UTCR 1.090, including striking the underlying motion.*

Content of the Praecipe

(7) *The motion praecipe shall include: the caption of the case, the case number, the name of the moving attorney and the party represented, the type of the motion, the name of the judge hearing the motion, the date of the hearing, the time of the hearing, the room number where the hearing will be heard, the length of the hearing and whether the party is waiving appearance, whether the hearing date is the first or subsequent date for this motion, whether the services of a court reporter/recorder are requested and whether the motion is to be heard by telecommunication. A form of praecipe is available from Presiding Court and in Room 210 of the courthouse. (See Form 05-06, Page 103, Appendix of Forms)*

Re-delivery Requirement If Motion Set Over

(8) *If a motion has been filed and praeciped previously but is set over, a new motion praecipe attached to a copy of the motion must be delivered to the assigned judge and a copy of the new motion praecipe must be delivered to all parties.*

If Filing and Service Required by Statute Prior to Assignment of Hearing Date

(9) *If a statute mandates the filing and serving of a motion prior to the availability of a hearing date or show cause date, the moving party shall attach a certificate citing the statute or rule requiring the filing of the motion and stating that a hearing date will be secured as soon as such date is available and, if required under this rule, a motion praecipe will be delivered to the judge and parties as required by this rule.]*

Notice of motion hearing time, date and location [for motions subject to SLR 7.011]

([10]{4}) [For cases subject to SLR 7.011, and] **{This paragraph applies to cases for which a motion judge has been assigned under SLR 5.014.}**[e] **{E}** xcept for motions for Summary Judgment, [if a motion judge for the case is assigned at the Initial Case Management Conference,] the moving party must coordinate for all parties dates of availability to the court for a motion hearing **{,contact the assigned motion judge and set the matter.}** [and] **{The moving party must}** provide to all parties notice of the [hearing] **{time,}** date**{, and location}** set for the **{hearing, and the name of the judge who will hear the motion}** [motion by the assigned motion judge or the judge's staff]. Notice to the parties may be by any means of communication to which the parties mutually have agreed. **{If there is no agreement as to the means for giving notice, then notice must be given in writing and delivered to each party}** If notice is challenged, in a hearing on the matter of absence of a party at a hearing under paragraph ([13]{7}) of this Rule, the moving party shall have the burden of proving notice in the manner agreed by the parties to the action was provided to the challenging party. Failure to provide notice of a hearing's time, date and location as required by this section may result in sanctions as provided by UTCR 1.090, including striking the underlying motion.

{5} Motions for Summary Judgment in actions subject to [this] paragraph **{4}** must be set by calling the Civil Calendaring Motion Clerk at (503) 988-3168 **{, and not the motion judge assigned to the case. In all other aspects, section (4) of this rule applies to the moving party setting a motion for summary judgment. A request for an expedited motion for summary judgment must be made as provided in paragraph (3) of this rule}**.

Service Period on Opposing Parties and Courtesy Copy of Motion, Response and Reply to Assigned Judge

([11] {6}) [For actions subject to praecipe delivery, the party responsible to deliver the praecipe as provided by this rule shall deliver the praecipe together with the courtesy copy of the motion to the assigned judge and serve the parties on the date the motion is filed with the court; the motion must be filed within a reasonable time but not more than seven days following the date on which a judge, date, and time is assigned for the hearing. Any party opposing a motion in which a praecipe is required to be delivered under this rule shall submit a courtesy copy of the responding documents to the assigned judge and serve the parties at the same time the response is filed with the court, but in no event less than one judicial day prior to the date of the hearing unless the praecipe delivery time has been shortened by the rule or the Presiding Judge or designee at civil ex parte. Any party filing a reply to a response to a motion, must deliver a copy

of the reply document to the assigned judge and serve the parties on the date the reply is filed with the court, but in no event less than one judicial day prior to the date of the hearing.

*For actions subject to SLR 7.011, and which are not otherwise removed from this requirement by court order,] the moving party shall deliver a courtesy copy of the motion to the assigned motion judge and serve the parties on the date the motion is filed with the court. [If the action has not been assigned a motion judge at the time the motion is filed because the Initial Case Management Conference is not completed, then a courtesy copy of the filed motion must be provided to the assigned motion judge within 7 days of setting the motion for hearing. In all other circumstances,] [t]{**T**}he moving party must file the motion, serve the opposing parties and provide a judge's courtesy copy of the document not later than 7 days following the date on which the time and date for a hearing is set for the motion. Any party opposing a motion shall submit a courtesy copy of the responding documents to the assigned judge and serve the parties at the same time the response is filed with the court, but in no event less than one judicial day prior to the date of the hearing unless time has been shortened by the assigned motion judge. Any party filing a reply to a response to a motion, must deliver a copy of the reply document to the assigned judge and serve the parties on the date the reply is filed with the court, but in no event less than one judicial day prior to the date of the hearing.*

Failure to File Motion within Seven Days

(~~12~~{**7**}) If the moving party fails to file the motion within seven days after the motion is [assigned to a judge] {set}for a date and time certain under paragraph (~~11~~{**3**}) of this rule, absent an order of the court permitting additional delay, the court may impose sanctions as provided by UTCR 1.090.

Absence at Motion Hearing

(~~13~~{**8**}) A matter set on a civil motion docket may be decided even though some or all of the parties or attorneys are not present. Such a hearing shall be deemed consented to by the parties not appearing.

8) Explanation: Amends SLR 5.025 at paragraph (3) to remove a conflict which was identified with this rule and SLR 7.045, regarding the duty to give notice of the ex parte appearance. Under paragraph (3) the parties going to ex parte for purposes of SLR 7.045, must merely give notice prior to the time of the ex parte appearance.

5.025 CIVIL EX PARTE MATTERS

(1) Ex parte matters shall be heard each judicial day before the Presiding Judge or designee at 9:30 am or at 1:30 pm. (See Form 05-27, Page 104, Appendix of Forms for requesting an Order to Show Cause)

(2) Contested matters, unless otherwise allowed by these rules, shall not be presented at ex

parte. Such matters shall be subject to the requirements of SLR 5.015. Only the following contested matters may be presented at ex parte:

- (a) Motion to postpone trial;
- (b) *[Request for expedited hearing. (See Form 05-28A, Page 105, Appendix of Forms)*
- (c)] Application for a temporary restraining order under ORCP 79 (B)(1), when the adverse party appears and is permitted by the court to address the merits of the request.

(3) Except as otherwise allowed by statute or waived or consented to by the opposing party, any party seeking ex parte relief must provide one judicial days' notice to the opposing party of the date, time and court where the ex parte relief will be sought. A party appearing will be required to advise the court if they have had contact with the opposing party prior to the ex parte appearance, and the opposing party's position on the matter presented to the court. **{Parties appearing at ex parte for purposes of compliance with timelines under SLR 7.045, Motion for Change of Judge, are excused from the one day notice requirement of this rule but must provide the notice prior to the ex parte appearance.}**

9) Explanation: Deletes SLR 6.014 as unnecessary with the Trial Readiness Conference being expanded by amendment to SLR 7.015.

[6.014 PRE-TRIAL CASE MANAGEMENT CONFERENCES IN CIVIL ACTIONS

(1) In any civil action except actions subject to SLR 7.011 when it appears to the court that an action will be pending for longer than 270 days measured from the date of filing of the first pleading in the action, the court may schedule a case management conference and, upon notice, require the parties to appear. The purpose of the case management conference is to address the readiness of the action for trial. The court will ask the parties to identify remaining tasks to be resolved including discovery issues, expected remaining pretrial motions, and any known scheduling problems for parties and witnesses. In addition, related issues listed in UTCR 6.010 will be covered. Parties are expected to be prepared to discuss these matters at the case management conference.

(2) Parties appearing in the action without attorney representation must appear at the case management conference in person. Parties appearing in the action with representation by an attorney are required to appear through their trial counsel, and need not attend in person.]

10) Explanation: Deletes SLR 7.011, the current rule for the Initial Case Management Conference (ICMC). The Initial Case Management Conference currently is an early meeting of the parties and a judge, and the point at which the motion judge is assigned. The ICMC was enjoyed by the judges involved in these weekly proceedings, but it was expensive for the court in the amount of judicial time it consumed and the amount of administrative staff time necessary

for its support. The ICMC is being replaced based on a determination that the Trial Readiness Conference is a sufficient point for the insertion of judicial scrutiny into the parties' management of the action and for setting a fixed date for it trial. The change reflected in this deletion of SLR 7.011 moves the court to a sustainable involvement with parties in civil litigation, and preserves the remainder of the processes implemented with the 2012 Supplementary Local Rules.

[7.011 INITIAL CIVIL CASE MANAGEMENT CONFERENCE

(1) *This rule applies only to civil actions filed on or after February 1, 2012, except small claims, FED, family law, juvenile, protective proceedings or probate cases.*

(2) *The parties in all civil cases subject to this rule must participate in an initial case management conference unless the case has been dismissed, transferred to arbitration, transferred to the Expedited Civil Jury Trial Program or transferred to a special assignment, unless the Presiding Judge or his/her designee otherwise directs. The purpose of this conference is to facilitate case management.*

(3) *The court will send notice of the initial case management conference to all counsel or self-represented litigants who have appeared in the case. The notice will announce the date for the conference and list the information to be provided by the parties. Counsel for a party that has not yet filed an appearance is expected to participate in the conference but does so without waiving any rights of the party, including the right to challenge personal jurisdiction. Plaintiff/Petitioner is required to forward a copy of the notice to all non-appearing parties who have been served. The parties will appear by phone unless the court otherwise indicates.*

(4) *At the conference, the court and counsel will select an appropriate track for the case and an SLR 7.015 Trial Readiness Case Management Conference date will be set, if appropriate.*

(5) *A form of the Initial Case Management Order is available from Presiding Court and in Room 210 of the courthouse. It is available on-line at <http://courts.oregon.gov/Multnomah/>. (See Form 05-96, Page 113, Appendix of Forms.)]*

11) Explanation: Amends SLR 7.015 to delete former paragraph (1) regarding rule applicability. The rule applies to all actions as specified. In new paragraph (1), the expectations for the purpose of the Trial Readiness Conference (TRC) are expanded. The parties are expected to come to the conference with an agreed trial date within 12 months of filing. If a date beyond one year is requested, and the request is granted, then the parties will have to comply with an appropriate dispute resolution requirement prior to the case being a 365 days from the date of filing, and will have a case status conference with the presiding judge to verify that the action may be tried on the agreed date or, if not, if there is a good cause basis for a different date.

Paragraph (2) is amended to provide that the Trial Readiness Conference date may be postponed for good cause. The court is aware that dates selected by the court for the TRC may impose hardship on one or more of the parties, and has added a process for moving the date to one that may be accommodated by the parties without such inconvenience.

Paragraph (3) is amended to make telephonic appearance permissive rather than mandatory.

7. 015 TRIAL READINESS CIVIL CASE MANAGEMENT CONFERENCE

[(1)] This rule applies only to civil actions subject to SLR 7.011.]

[(2)]{1}) The parties in all civil cases must participate in a trial readiness case management conference unless the case has been dismissed, transferred to arbitration, transferred to the Expedited Civil Jury Trial Program or transferred to a special assignment, unless the Presiding Judge [or his/her designee] otherwise directs. The court will not generate a trial date in these cases without conferring with the parties and there will be no “regular course” trial date postponements. The purpose of this conference is to facilitate the selection of a firm trial date and to assess readiness for trial. { **The court will ask the parties to identify remaining tasks to be resolved including discovery issues, expected remaining pretrial motions, and any known scheduling problems for parties and witnesses. Parties are expected to be prepared to discuss these matters and to present to the court a proposed trial date to which the parties have agreed. The court will set a trial date no later than one year from the filing of the original complaint or six months from the filing of a third party complaint under ORCP 22C, whichever is later, unless the parties establish good cause for a later trial date. If the court permits a case to be scheduled beyond one year, the parties will be subject to SLR 7.016 and will be required to participate in a case status conference prior to the trial date. Any request for a postponement of the trial date selected at the trial readiness conference must be presented as provided in SLR 7.035 (2) ([f] {c}) and will not be granted without a showing of good cause.** }

[(3)]{2}) { **At least,** }[T]{t}hirty five days prior to the conference the Court will send notice to all counsel or self-represented litigants who have appeared in the case { **unless this period is waived or shortened by the Presiding Judge** }. The notice will announce the date and time for the conference, the location and instruct the parties to come prepared with [three] { **an** } agreed upon trial date [s within the “time to trial” guidelines as set by the court. The court will then set the trial date. Any request for a postponement of the trial date selected at the trial readiness conference must be presented as provided in SLR 7.035 (2) ([f] {c}) and will not be granted without a showing of good cause]. { **A postponement of the Trial Readiness Civil Case Management Conference may be granted for good cause shown presented by a request, supported by a motion and declaration, at the Presiding Judge’s ex parte.** }

[(4)]{3}) The parties [will]{may} appear by phone unless the court otherwise indicates.

12) Explanation: Renumbers former SLR 7.075 to be 7.016 and applies the rule to cases subject to the TRC and which have been assigned trial dates beyond one year from the date of filing. The certificate must be filed by the time the case ages to the one year mark. This is a change to have this rule apply to cases subject to the TRC. This change reflects the continued belief that the appropriate resolution of a case does not require a jury trial in every instance, but does require a firm trial date that will resolve the matter when it is due. The rule also removes family law cases from its scope.

[7.075] **{7.016}** **PARTICIPATION IN APPROPRIATE DISPUTE RESOLUTION**

(1) Every civil [*and family law*] case shall be subject to subsection (2) of this rule [*except for civil cases which are subject to SLR 7.011*].

(2) All parties and their attorneys, if any, are required to participate in some form of appropriate dispute resolution, beyond negotiation directly or indirectly to reach a joint settlement, including, but not limited to, arbitration, mediation or judicial settlement conference. The parties must sign and file, within [270] **{365}** days from the filing of the first complaint or petition in the action, a certificate (See Form 05-31, Page 106, Appendix of Forms) indicating that the parties have participated in such ADR mechanisms. If the action is fully disposed of in the circuit court within [270] **{365}** days from the filing of the first complaint or petition in the action, no certificate need be filed under this rule.

(3) The requirements of this rule shall not require mediation or arbitration of a case otherwise exempt from arbitration or mediation requirements by statute, but the parties and attorneys, if any, of any case so exempted shall be required to participate in a judicial settlement conference.

(4) The court may impose sanctions pursuant to UTCR 1.090 against any party who fails to comply with subsection (2) of this rule, or who

(a) fails to attend a scheduled mediation session, arbitration hearing or judicial settlement conference;

(b) fails to act in good faith during the mediation, arbitration or judicial settlement conference;

(c) fails to submit on a timely basis paperwork required as a part of the mediation, arbitration or judicial settlement conference; or

(d) fails to have a principal necessary to approve the resolution of the 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 subsection of the rule.

(5) Nothing in this rule restricts or removes the constitutional right of the parties to a trial.

13) Explanation: Amends SLR 7.021 to provide that continuances of the processes which operate under UTCR 7.020 must be presented at ex parte. Former paragraph (3) is deleted. The subject matter in former paragraph (3) is now in SLR 7.015 in new paragraph (1).

**7.021 UTCR 7.020 CONTINUANCES; STAY OF DEFAULTED PARTIES
PENDING TRIAL[; STIPULATED TRIAL DATES UNDER UTCR 7.020]**

(1) Continuances pursuant to UTCR 7.020 shall be on a form prescribed by the Court. (See Form 05-41, Page 110, Appendix of Forms) { **A request for a continuance must be presented at the Presiding Judge's ex parte.** }

(2) In multiple party cases, when a default order has been taken against a specific party and the other defendants will proceed to trial, an attorney may move the Court to stay the requirement to apply for a judgment by default and avoid dismissal under UTCR 7.020 for the defaulted party, pending the outcome of trial.

[(3) This paragraph applies only to actions filed prior to February 1, 2012. The parties may mail to the Presiding Judge an agreed date as a stipulated date under UTCR 7.020. Stipulated dates which are within 10 months of the date of the filing of the complaint will be approved by the Presiding Judge and the initial trial assignment date will be set to the stipulated date. A stipulated date which places the trial beyond 10 months from the date of filing will not be approved if submitted by mail. Such a stipulated setting must be presented at ex parte and may require a postponement conference with the Presiding Judge. The Court will exercise its discretion in granting or denying such a request based on all circumstances made known to the Court.]

14) Explanation: Amends SLR 7.035 to provide that all trial postponement requests must be presented at ex parte unless the three day rule applies. The reason for this change is the certainty of trial dates scheduled. When parties have a trial date from the Trial Readiness Conference it is presumed to be effective. In such a context, any requested postponement of the date set requires an appearance and good cause to be shown to the court. The former routine of a “normal course” postponement, even if stipulated, was removed with the changes in February 2012.

7.035 CALL NOTICES; MINIMUM NOTICE FOR POSTPONEMENTS

(1) Attorneys of record in each case taken from the list of cases [*ready to*] set for trial will be notified at least 28 days before the date of Call, unless this period is waived or shortened by the Presiding Judge.

(2) Counsel seeking postponements of assigned trial dates shall give opposing counsel(s) not less than one judicial day's notice of the date and time when an application for postponement is to be presented to the Court at ex parte as required by these Rules and SLR 5.025.

(a) Motions for postponement shall be on a form prescribed by the Court and shall be submitted in duplicate (See Form 05-82, Page 111, Appendix of Forms);

(b) [*Thirty or more days before the Call date, an unopposed motion for postponement may be presented by mail or at ex parte, but such a motion cannot be presented by mail in a criminal case;*

(c) *Four judicial days to 29 days before the Call date,] [a] { **A** }ny motion for postponement { **, including an opposed motion,** } must be presented at { **the** } ex parte*

{time };

{ (c) Counsel must appear in person and present good cause for the postponement of the trial date in every instance. Opposing counsel may appear and be heard. }

(d) Three judicial days or less before the Call date, a motion for postponement will not be considered. Appearance at Call is mandatory.

[(e) Any opposed motion for postponement shall be presented at ex parte.

(f) If a trial date has been set in a SLR 7.015 trial readiness conference, subsection (b) of this section does not apply, and counsel must appear in person and present good cause for the postponement of the trial date in every instance under subsection (c) or, if applicable, (d).

(3) In criminal cases assigned to the Criminal Procedure Court:

(a) A motion for postponement on the day of trial must be presented to the Criminal Procedure Court Judge. If granted, a new trial date will be set. The procedure for requesting a postponement at the pre-trial conference is set forth in SLR 4.025.

(b) Other than cases involving a motion for postponement, multiple trials sent out to a trial judge will be handled as follows: the trial judge will retain the misdemeanor cases which can commence during the assigned trial date, including cases that can be set to follow in the afternoon of the assigned trial date. All cases which the trial judge cannot schedule to begin on the assigned trial date will be sent back to the Criminal Procedure Court Judge for reassignment to another judge, or for new pre-trial and trial dates if no other judge becomes available. The prosecuting attorney and defense counsel must not release witnesses prior to a determination by the Criminal Procedure Court Judge regarding whether the case will be reassigned to another judge on the same date or postponed. The presumed order of priority in which cases should be tried is: custody cases, date certain cases, and finally, the oldest case based on the issue date.]

15) Explanation: Amends SLR 7.045 to clarify when a motion for change of judge may be delivered to the Office of the Presiding Judge – paragraph (1) – and when the motion must be presented at civil ex parte – paragraph (2). Reduces the number of copies required to be delivered with the original motion, affidavit and order from two copies to one copy. The amendment also specifies that the copy served on the judge being disqualified and the other parties to the action is of the unsigned order, with the motion and affidavit, and not the final signed order. This simplifies the process and provides adequate notice of the request.

7.045 MOTION FOR CHANGE OF JUDGE

(1) If a judge is assigned at Call [,] **{or}** at a case **{assignment or}** scheduling conference before the presiding judge [or at an Initial Case Management Conference before any judge,] and

a party intends to file a motion for a change of the judge assigned, the intention to file the motion must be announced at the time of assignment. An original and [two copies] {**one copy**} of a motion, order, and supporting affidavit must be delivered to the Presiding Judge {**by the close of business on the next judicial day**}. Failure to submit all three documents timely, with the [copies] {**copy**}, will result in sanctions as provided by UTCR 1.090. The requesting party is responsible for serving a copy of the motion, affidavit and {**unsigned**} order on the judge being disqualified and each other party to the action who is not in default.

(2) For Judges assigned {**by order of the Presiding Judge and the order did not arise at Call or a case assignment or scheduling conference**} [through the Motion Calendaring Department pursuant to SLR 5.015], the following procedures shall apply:

(a) If a party [setting a motion] {**is notified at an ex parte appearance of the name of the assigned motion judge and the party**} intends to disqualify the assigned judge, the party must announce the intent to the [motion clerk] {**Presiding Judge**} at the time of assignment and [appear at ex parte] { **deliver to the Presiding Judge** } by the close of the next judicial day [to present duplicate copies of a motion, order, and affidavit to the Presiding Judge] {**an original and one copy of the motion, order and affidavit. Failure to submit all three documents timely, with the copy will result in sanctions as provided by UTCR 1.090**}. The requesting party is responsible for serving a copy of the motion, affidavit and {**unsigned**} order on the judge being disqualified and each other party to the action who is not in default.

(b) [If the non-setting] {**In any other situation than set out in subsection (a), if a**} party intends to disqualify the assigned {**motion**} judge, that party must, by the close of the next judicial day after receiving actual notice {**of**} the [motion is assigned to that] judge {**assigned**}, [notify the motion clerk and] appear at ex parte to present [duplicate copies] {**an original and one copy**} of a motion, order, and affidavit. The requesting party is responsible for serving a copy of the motion, affidavit and {**unsigned**} order on the judge being disqualified and each other party to the action who is not in default.

(c) If a motion for change of judge under this provision is allowed, [the moving party on the underlying motion shall contact the calendaring office to reschedule the underlying motion and shall comply with the requirements of SLR 5.015 as to the new assignment] {**the Presiding Judge may assign a replacement judge and announce that assignment at the ex parte presentation required under subsections (a) and (b) above. Actual notice of the new assignment must be provided to all appearing parties by the party appearing at ex parte. If a new judge is not announced at the ex parte proceeding, a written notice of the new assignment will be provided by the court to each appearing party by sending it to the party's electronic or US Postal Service mailing address for purposes of the action**}.

(3) If a judge is assigned in any other manner, a {**n original and one copy of a**} motion [to disqualify that judge, with an] order and supporting affidavit, must be presented to the Presiding Judge at ex parte by the close of the judicial day following {**actual**} notice of the assignment. A copy of the motion, affidavit and {**unsigned**} order must be served on the judge being

disqualified by the moving party and each party to the action who is not in default.

(4) In small claims, FEDs, violations and misdemeanor offenses, the Presiding Judge may assign a motion for change of judge to another judge for decision.

(5) For purposes of ORS 14.250 et seq. and this Rule, a judge who enters rulings or orders in any arraignment, pre-trial release request at the time of arraignment, pre-trial conference, [*an Initial Case Management Conference pursuant to SLR 7.011*] { **Trial Readiness Conference pursuant to SLR 7.015** }, or daily Call pursuant to SLR 7.055, shall not be considered to have ruled on a particular matter within the meaning of ORS 14.260(3). A party shall not waive any right pursuant to ORS 14.250 et seq. as to such judge by failing to move for change of judge at the time of appearance before such judge at any proceeding listed in this paragraph.

16) Explanation: Amends SLR 8.041 to make clear that the notice requirement in SLR 5.025 (3) applies to family law ex parte proceeding.

8.041 EX PARTE APPEARANCES AND OTHER MATTERS NOT DOCKETED FOR HEARING

(1) Matters Heard Ex Parte

No matter shall be heard ex parte [(i.e.,] without { **compliance with the** } notice { **requirement in SLR 5.025 (3)** } [to the other side)] unless specifically authorized by Oregon statute or court rule. Any motion presented without notice to the other party shall comply with UTCR 5.060 (2) (contain the words “ex parte” in the caption) and shall also cite the specific statute or rule that allows the motion to be presented without notice.

(2) Matters Heard at Ex Parte Time

At least one Family Court Judge is available twice daily (at 8:30 a.m. and 1:30 p.m.) to hear permissible ex parte matters and potentially contested emergency and scheduling motions. The assignment of those judges is posted daily in Room 211. On retained cases, parties should contact the Judge of a Case regarding that Judge’s availability.

(3) Notice Requirements on Ex Parte, Emergency, or Scheduling Motions

Except where a statute or rule explicitly allows an appearance without notice to the other party, a party seeking relief at scheduled or specially-arranged ex parte times must provide two (2) working days notice to the opposing party of the date, time, and court where the relief will be sought. The party seeking relief at ex parte time must provide written certification of the date, time, and manner in which the opposing party was provided notice of the planned appearance as well as the opposing party’s position on the matter to be presented (for example, “Agrees,” “Disagrees,” or other short explanation).

(4) Motions Not Docketed for Hearing

(a) All motions or requests shall be handled under this rule unless they are stipulated, have been scheduled for hearing, are accompanied by a statutorily-required notice regarding the opposing party's right to request a hearing, or are appropriately heard under SLR 8.041(1-3).

(b) Any motion subject to this rule shall be filed with the court and shall be in a document separate from a proposed order. The motion and a proposed order must be served on all parties entitled to notice. The proposed order must be clearly labeled as a Proposed Order. The motion must contain in bold type in the body of the motion and following the caption the following Notice:

“NOTICE TO PARTY RECEIVING THESE PAPERS: If you disagree with any request in this Motion or Proposed Order, you must file with the Court a written Request for Hearing setting out in specific terms what request(s) you oppose. You must also serve (deliver) a copy of your Request for Hearing to the other party's lawyer (or to the other party if the other party has no attorney). You must pay any filing fee required by law for filing your Request for Hearing or obtain a court order waiving (canceling) or deferring (postponing) payment of this fee. You must file this written Request for Hearing no later than fourteen (14) days after this motion and Proposed Order has been served on you. You must include your case number on this Request for Hearing. If you do not file a Request for Hearing within the time allowed, the Court may sign the Proposed Order without further notice to you.”

(c) If no Request for Hearing is filed within the 14 day period, the moving party may present the proposed order on the 17th day after service. The moving party may seek the proposed order during scheduled ex parte time or by mail directed to the court. The proposed order submitted shall contain proof of service including the written certification of the moving party that the motion and proposed order were served in compliance with this rule and that no Request for Hearing was filed by the deadline. The moving party need not provide additional notice to the served party of the moving party's intent or appearance to seek approval of an order consistent with the motion.

(d) If the moving party is served with a copy of a Request for Hearing objecting to any part of the motion, that moving party shall contact the Family Law Clerks to schedule a hearing date. The parties shall take reasonable efforts to confer with the Family Law Clerks on the setting of the date.

17) Explanation: Amends the Arbitration rule to provide that the position of Chief Dispute Resolution Judge no longer exists and the Presiding Judge oversees decisions regarding the court's arbitration program.

13.032 SUBMISSION OF COPIES OF MOTIONS AND OTHER DOCUMENTS

**TO [CHIEF ALTERNATIVE DISPUTE RESOLUTION] {PRESIDING}
JUDGE**

For cases subject to arbitration, and except for motions requiring decision by the arbitrator, any motion, challenge, response or reply required or allowed by these rules, the Oregon Revised Statutes or the Uniform Trial Court Rules, must include a copy which shall be delivered to the [*Chief Alternative Dispute Resolution*] {**Presiding**} Judge contemporaneous with the filing of such motion, challenge, response or reply. The party preparing the document is responsible for delivery of the copy to the [*Chief ADR*] {**Presiding**} Judge.

18) Explanation: Amends the Arbitration rule to provide that the position of Chief Dispute Resolution Judge no longer exists and the Presiding Judge oversees decisions regarding the court's arbitration program.

13.055 ARBITRATORS

(1) To qualify as an arbitrator, a person must sign and file an application to be placed on the list of arbitrators, and, if not a retired or senior judge or stipulated non-lawyer arbitrator, be an active member of the Oregon State Bar at the time of each appointment. The [*Chief Alternative Dispute Resolution*] {**Presiding**} Judge may remove a person as an arbitrator if such person fails or refuses to comply with the rules governing the performance of arbitrators, as required by the Oregon Revised Statutes, UTCR or these rules. The Arbitration Commission may adopt additional requirements for inclusion or retention on the list of arbitrators, including experience, training and continuing education.

(2) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, street address, email address, fax, and phone numbers, and if they have any preference against certain types of cases (e.g., no family law). A list showing the names of arbitrators available to hear cases will be available for inspection in the Room 210 of the Multnomah County Courthouse. An arbitrator who is no longer willing or able to serve as an arbitrator shall immediately notify the arbitration clerk.

(3) The appointment of an arbitrator is subject to the right of that person to refuse to serve on an individual case. An arbitrator must notify the clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges.

(4) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the clerk.

(5) The parties shall confer, pursuant to UTCR 5.010, to select an arbitrator. The plaintiff or petitioner shall initiate communications for such selection. However, if the plaintiff or petitioner is appearing pro se, an attorney for the defendant(s) shall initiate such communications. If all

parties are appearing pro se, or if good faith conference is unsuccessful, each party shall strike 2 names from the list of arbitrators, and return such list to the [*Chief ADR*] { **Presiding** } Judge, with a copy to and proof of service on the other party or parties. The [*Chief ADR*] { **Presiding** } Judge shall then select the arbitrator from the remaining names. In the event no names remain, the [*Chief ADR*] { **Presiding** } Judge may approve the issuance of a second list.

19) Explanation: Adjusts SLR 15.015 to reflect that small claim documents may be filed at the East County Courthouse.

15.015 FILING PROCEDURES

(1) Plaintiffs must either file their claim at the Small Claims Department of the Civil Division at the Multnomah County Courthouse; or

(2) *[If the plaintiff or the defendant resides, or the claim arose, East of 122nd Avenue extending to the North and South boundaries of Multnomah County,] the claim may be filed in the [Gresham Court at 150 W. Powell, Gresham through March 2012 or until the new] East County Courthouse at 18480 SE Stark Street, {in} Gresham [is open which is expected to be April 1, 2012].*

20) Explanation: Adds to SLR 16.085 the ZIP code for the East County Courthouse.

16.085 POSTPONEMENTS

(1) Arraignment

(a) Except for cases cited to appear in Community Court, requests for an order for postponement of an arraignment appearance must be made by personally appearing in court or in written form signed by the party. If the request is made in written form, the request must be received by the Court at least two judicial days prior to the original arraignment date. Prior to the arraignment date specified in the summons, the defendant may select one of the options described in SLR 16.025(1) as an alternative to requesting a postponement.

(b) Arraignments for cases cited to appear in a Community Court may not be postponed.

(c) Personal appearances for the purpose of requesting a postponement of an arraignment must be made at the location specified in the citation.

(d) Requests made in written form for a postponement must be delivered for filing to the Circuit Court at:

- (i) 1021 S.W. 4th Ave, Room 106, Portland Oregon, 97204 for cases cited to appear in the downtown court facility; or

- (ii) 18480 SE Stark Street, Portland, [OR] {**Oregon 97233**} for cases cited to appear in the East County Courthouse.

(2) Court Trials

(a) A party's first request for a postponement of a court trial must be made in written form signed by the party and received in the Criminal Calendaring Section at the downtown courthouse, or the East County Courthouse if the violation was filed in the East County Courthouse, more than 14 calendar days prior to the scheduled trial date.

(b) Subsequent requests for a postponement of a court trial must be made by personally appearing in court or in written form signed by the party. The motion must demonstrate good cause for the request in order to be granted.

- (i) If the request is made in written form, the request, along with proof of notification of the request for postponement to the opposing party, must be received by the Court at the locations listed in paragraph (1)(d) of this rule more than 14 calendar days prior to the scheduled trial date.

- (ii) Requests made in person shall be submitted ex parte in courtroom 112 of the downtown courthouse, or in the East County Courthouse if the case is cited to appear in that facility, at 8:30 am or 1:30 pm, Monday through Friday when court is in session.

(c) The party requesting a subsequent order for postponement must notify the opposing party in writing prior to submitting the request to the Court. The notice must specify whether the postponement request will be made in written form or by personal appearance. If the request is to be submitted by personal appearance, the party must provide notice to the opposing party of the date, time and location of the appearance, and indicate that the opposing party may appear to contest the request. The opposing party may contest the request either in written form delivered for filing to the appropriate court location, as defined in (1)(d) above, more than eight days prior to the date of the ex parte appearance, or in person by appearing at the ex parte hearing to contest the opposing party's request for the postponement.

(3) Notice to Parties of Postponement

When the court grants a postponement, the court will notify all parties to the action. If the postponement is granted in open court, parties personally present are deemed notified. Any witnesses must be notified of the postponement by the party intending to call the witnesses.

(4) Requests for an order for postponement of an appearance may not be submitted for filing by facsimile transmission (FAX).

21) Explanation: Adds to SLR 17.015 a process for determination of whether the failure to comply with the requirement to post bail on the offense when requesting a hearing or a court

review and determination on a written statement can be excused. Sets the standard for such an excusal, and provides that matters will not be considered unless there is good cause to waive the requirement.

17.015 PARKING CITATIONS - DEFENDANT'S APPEARANCE

- (1) A person receiving a parking citation has three options to appear:
 - (a) Plead guilty by paying in full the bail indicated on the citation, either by paying on-line, mailing or personally delivering the payment, together with the citation, to the Multnomah County Courthouse. All payments in full must be received within 30 days of the date of violation.
 - (b) Mail the full amount of the bail applicable at the time of the request, together with the citation and a letter of explanation to the Multnomah County Courthouse, requesting a judge to make a determination. The court may refund the bail or forfeit all or part of it.
 - (c) Request a court hearing either by letter or by personally appearing at the Parking Section of the Criminal Division located in the Multnomah County Courthouse. All such requests must be accompanied by a check or money order for the full amount of bail applicable at the time of the request. Bail is forfeited if the person fails to appear at the hearing.
 - {(d) Written explanations or requests for a court hearing provided under (b) or (c) above, which are submitted without the amount of bail applicable at the time of the request will not be considered on the merits or set for hearing absent good cause shown in the written statement for failure to comply with the requirement to post the bail amount. The bail requirement may be waived by the court for good cause.}**
- (2) The bail amount set on a parking citation will double after 30 days from the date of issuance of the citation if the defendant has not appeared in a manner indicated by this rule. A partial payment of the bail does not constitute an appearance under this rule.
- (3) An Order for impoundment of a vehicle may be issued in the manner set forth in SLR 17.035 if the defendant does not appear in a manner indicated in this Rule.