UNIFORM TRIAL COURT RULES

Including Amendments

Effective
August 1, 2004

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In the Matter of the Adoption of Amendments to the Uniform Trial Court Rules	)	CHIEF JUSTICE ORDER
	)	No. 04-019
	)	
	)	ADOPTING AMENDMENTS TO THE
	)	UNIFORM TRIAL COURT RULES

I HEREBY ORDER, pursuant to ORS 1.002, UTCR 1.030, and UTCR 1.050, the following:

1. The Uniform Trial Court Rules, as amended below, are adopted and are effective August 1, 2004, pursuant to ORS 1.002.

2. All current local rules inconsistent with the Uniform Trial Court Rules as amended will be deemed ineffective on August 1, 2004. See UTCR 1.030.

3. Local rules that are not inconsistent remain in effect and are subject to review as provided under UTCR 1.050.

4. Those local rules that are not amended or repealed and are not disapproved on review under UTCR 1.050 remain in effect until so amended, repealed, or disapproved.

Dated this 29th day of April, 2004.

Wallace P. Carson. Jr.
Chief Justice

IN THE SUPREME COURT OF THE
STATE OF OREGON

In the Matter of Amendments to Uniform Trial Court Rule 3.170(1)	)))	ORDER NO. 04-020 AMENDING UTCR 3.170(1)

The Uniform Trial Court Rules Committee has recommended amendment of Uniform Trial Court Rule (UTCR) 3.170(1), a UTCR originally adopted by the Supreme Court which can be amended only with the consent of the Supreme Court.

IT HEREBY IS ORDERED, pursuant to ORS 9.241, that the amendments to UTCR 3.170(1), as shown below, are adopted and are effective August 1, 2004.

Any material that has been added is **in bold and underlined**. Any material that has been deleted is in [*brackets and italicized*]:

3.170 Association of Out-of-state Counsel (*Pro Hac Vice*)

(1) An attorney authorized to practice law before the highest court of record in any state or country ("out-of-state attorney") may appear on behalf of a party in any action, suit, or proceeding pending in this state before a court or administrative body even though that attorney is not licensed to practice law in this state, if the attorney satisfies all of the following requirements:

(a) Show**s** that the attorney is an attorney in good standing in another state or country.

(b) Certif**ies**[*y*] that the attorney is not subject to pending disciplinary proceedings in any other jurisdiction or provide a description of the nature and status of any pending disciplinary proceedings.

(c) Associate**s** with an active member in good standing of the Oregon State Bar ("local attorney") who must participate meaningfully in the matter.

(d) Certif**ies**[*y*] that the attorney will: comply with applicable statutes, law, and procedural rules of the state of Oregon; be familiar with and comply with the disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and the Oregon State Bar with respect to acts and omissions occurring during the out-of-state attorney's admission under this rule.

(e) If the attorney will engage in the private practice of law in this state, provide**s** a certificate of insurance covering the attorney's activities in this state and providing professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan.

(f) Agree**s**, as a continuing obligation under this rule, to notify the trial court or administrative body promptly of any changes in the out-of-state attorney's insurance or status.

(g) If application will be for an appearance before a court, pay**s** any fees required by subsection (6) below for appearance under this rule. No fee is required if application will be for an appearance before an administrative body.

(2) The information required by subsection (1) of this rule must be presented as follows:

(a) If application will be for an appearance before a court, to the Oregon State Bar (Bar) in a form established by the Bar. The Bar may accomplish the submission of information by requiring a certificate with attachments or other means administratively convenient to the Bar. Upon receipt of all information necessary under subsection (1) of this section and receipt of the fee required by subsection (6) below, the Bar will acknowledge receipt in a form determined by the Bar. In making the acknowledgment, the Bar may attach copies or comment on any submitted material the Bar finds may be appropriate for a court to consider with an application under this section. The local attorney must then submit the Bar's acknowledgment with any information the Bar includes to the court by motion signed by the local attorney requesting the court to grant application under this section. The court may rely on the acknowledgment of the Bar as a basis to conclude that all information required to be submitted and fees required to be paid for granting an application under this section have been submitted and paid. Bar records on materials it receives under this section will be available to a court on request for two years or such longer period as the Bar considers administratively convenient.

(b) If the application is for an appearance before an administrative body, to the administrator of the agency before which the proceeding will occur or that person's designee or to any other appropriate officer, employee or designee of that agency as set forth by procedures or rules established by that agency. Application may be accomplished by an application certificate with attachments or other means administratively convenient to and established by the agency. Agency records on materials the agency or designee receives under this section will be available to the Bar on request for two years or such longer period as the agency considers administratively convenient.

(3) The court or administrative body shall grant the application by order if the application satisfies the requirements of this rule, unless the court or administrative body determines for good cause shown that granting the application would not be in the best interest of the court or administrative body or the parties. At any time and upon good cause shown, the court or administrative body may revoke the out-of-state attorney's permission to appear in the matter.

(4) Each time a court or administrative body grants an application under this rule or revokes an out-of-state attorney's permission to appear in a matter, the local attorney must provide a notice to the Bar of such occurrence in a manner and within the time determined by the Bar.

(5) This rule applies to all judicial and administrative proceedings in this state. When a court or administrative body grants an application for approval to appear under this rule, the authorization allows that individual attorney to appear in all proceedings for a single case that occur within a year after the application is granted. Applications will not be granted for firms. There must be separate application and approval for any of the following: appearance by another out-of-state attorney representing the same or any other party; representation by the same out-of-state attorney in this state on another matter; any appearance that occurs later than that one-year period. The Bar or an administrative body may establish such abbreviated procedures and requirements as Bar or body finds administratively convenient to limit unnecessary submission of duplicate information by an attorney who has already had application granted to appear in one proceeding and is seeking to appear in other proceedings or to renew an application at the end of a current one-year grant for a case.

(6) Except as otherwise provided in this rule, for each application under this rule to appear before a court, the applicant must pay to the Bar a fee of $250 at the time of submission of information under subsection (2) of this section, including when application is sought to renew an application at the end of a current one-year grant for a case. The fee will not be refundable.

(7) Subject to the following, the Bar or any administrative agency acting under this section, may use electronic means to accomplish acts required or authorized under this section:

(a) The Bar shall provide acknowledgment under paragraph (2)(a) of this rule for court purposes by electronic means only upon approval of the State Court Administrator.

(b) No administrative agency may provide electronic means of notifying the Bar of a grant of application or revocation under this section without prior approval of the Bar.

(8) An applicant is not required to pay the fee established by subsection (6) of this section if the applicant establishes to the satisfaction of the Bar that the applicant is employed by a government body and will be representing that government body in an official capacity in the proceeding that will be the subject of the application.

NOTE: UTCR 3.170 is adopted by the Oregon Supreme Court under ORS 9.241 and may be modified only by order of that Court.

Dated this 29th day of April, 2004.

Wallace P. Carson. Jr.
Chief Justice

2004 AMENDMENTS TO THE UNIFORM TRIAL COURT RULES

PREFACE

The Uniform Trial Court Rules (UTCR), as amended, are effective August 1, 2004. The amendments are the result of suggestions and comments received from the public, bench, bar, and agencies who use the rules. The proposed amendments were published in the Oregon Appellate Courts Advance Sheets and public comment was invited. A summary outline of the major changes contained in the 2004 amendments follows this preface. Additional information on the UTCR can be found at: http://www.ojd.state.or.us/programs/utcr/index.htm.

The UTCR Committee members who worked on these amendments are listed below. They deserve special recognition for their contribution of time, effort, and energy in performing the committee's work.

Tracey Cordes	Trial Court Administrator, Benton County
The Honorable Patricia Crain	Jackson County Circuit Court
Timothy M. Dolan	Attorney, Garibaldi
The Honorable Eveleen Henry	Lane County Circuit Court
The Honorable William M. Horner	Polk County Circuit Court
Frederick Lenzser	Attorney, Portland
Russell Lipetzky	Attorney, Salem
The Honorable Rudy Murgo	Umatilla County Circuit Court
The Honorable Gayle A. Nachtigal	Washington County Circuit Court
The Honorable J. Burdette Pratt	Malheur County Circuit Court
Bernard Vail, Committee Chair	Attorney, Portland
Debra E. Velure	Attorney, Portland
Bradd A Swank	UTCR Co-Reporter, Office of the State Court Administrator
Bruce C. Miller	UTCR Co-Reporter, Office of the State Court Administrator

The 2004 UTCR may be obtained in an 8-1/2" x 11" format for $12 per copy from the OJD Publications Section, 1163 State Street, Salem, Oregon 97301-2563; 503-986-5656. The UTCR are also available online, in PDF format, at:
http://www.ojd.state.or.us/programs/utcr/utcrrules.htm

LIST OF RULES AMENDED
Effective August 1, 2004
(A summary of these amendments is set out further below)

1.020(3) & (4)	Move publication of official notice of UTCR changes from the advance sheets to the OJD website.
1.080(3)	Reserve Chapter 20 for SLR concerning voluntary arbitration.
2.010(7)	Require listing of fax numbers and email addresses.
2.090	Grant discretion to the court to consolidate cases into one file.
2.100(2)(b)	Adds statutory cross-references
2.100(3)(a)	Change references from Oregon Laws to ORS**.**
2.100(3)(d)(i)	Change references from Oregon Laws to ORS**.**
2.100(6)	Grammatical change.
2.100(7)(e)	Change reference from subsection "(10)" to subsection "(8)".
2.100(9)(b)(i)	Grammatical change.
3.140(1)	Require listing of fax numbers and email addresses.
3.170(1)	Grammatical changes.
5.090	Grammatical changes.
6.030(1) & (2)	Grammatical changes.
6.060(1)	Require delivery of jury instructions and verdict forms to the trial judge.
6.070	Conform to ORCP 59B.
6.130	Grammatical change.
6.200(2)(b)	Delete the phrase "trial attorney and".
7.010(3)(a)	Grammatical change.
7.040	Change title.
7.050 Note	Delete outdated note.
8.010	Grammatical changes.
8.010(7)(f)	Change "SED" to "DCS".
8.010(8)	Extra copies requirement.
8.010(9)	Change reference from Oregon Laws to ORS**.**
8.050(4)	Change "SED" to "DCS".
8.050(4)(d)	Amend wording concerning food stamps.
8.060	Change "SED" to "DCS" and correct OAR references.
8.080(1) & (2)	Change references from Oregon Laws to ORS**.**
8.090	Change references from Oregon Laws to ORS**.**
Chapter 9	Delete outdated Reporter's Notes.
9.030	Require listing of fax numbers and email addresses.
9.160(1)(b)	Delete the word "interim".
Chapter 12	Various changes.
<u>Appendix of Forms:</u>	
Form 2.100.4a	Correct spacing and punctuation.
Form 2.100.4b	Correct spacing and punctuation.
Form 2.100.8	Correct spacing and punctuation.
Form 5.080	Conform to ORS 20.075.
Form 8.010.5	Various changes.
Form 8.080.1	Change references from Oregon Laws to ORS**.**
Form 12.540.1a	New form.
Form 12.540.2	New form.

LIST OF OUT-OF-CYCLE RULES AND FORMS
Adopted or Amended Since August 1, 2003
(These changes became effective January 1, 2004, unless otherwise noted, and the full text of these rules is provided in the full UTCR)

2.080	Communication with court, amended to reflect new UTCR 2.100.
2.100	Protected personal information (new rule).
8.010(9)	Dissolution of marriage, amended to reflect new UTCR 2.100.
8.080	Statutory restraining order on assets (new rule).
8.090	Child support proceedings, orders, and judgments (new rule).
8.100	Waiver of marriage fee (new rule).
Chapter 12	Mediation (new chapter - effective 10/02/03).
Appendix of Forms:	
Form 2.100.4a	Request to segregate personal information (new form).
Form 2.100.4b	Segregated information sheet (new form).
Form 2.100.8	Request to inspect segregated information (new form).
Form 8.010.5	Uniform support affidavit, amended to reflect new UTCR 2.100.
Form 8.080.1	Notice of statutory restraining order on assets (new form).
Form 8.080.2	Request for hearing on statutory restraining order (new form).
Form 8.090	Certificate re: child support proceedings, orders, etc. (new form).
Form 8.100.1a	Waiver of marriage fee (new form).

PROPOSALS PUBLISHED FOR PUBLIC COMMENT

The UTCR Committee has deferred action on proposed UTCR 2.110 and Form 2.110.4a. They will be included on the agenda for the next meeting on October 8 and 9, 2004 (see the Reporter's Note below for more information on the meeting). The committee encourages all interested parties to submit public comment on these proposals. **Please submit your written comments to**:

UTCR Reporter
Supreme Court Building
1163 State Street
Salem, Oregon 97301-2563
utcr@ojd.state.or.us

You may also deliver your comments in person and offer testimony at the committee's next meeting.

Proposed UTCR 2.110 and Form 2.110.4a expand the protection for certain personal information (see related rule, UTCR 2.100) contained in circuit court case files, no matter the date of submission (whether before or after January 1, 2004).

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

(1) Purpose. This rule establishes:

(a) Procedures for a person to identify and segregate protected personal information when that information already exists in a document in a court case file and to request the information be kept from inspection by the general public.

(b) A process for a court, when it grants a request under this rule, to segregated and protected personal information from nonprotected information in the case file in a uniform way with an appropriate record.

(2) Information covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100. The definitions in UTCR 2.100 apply to this rule.

(3) Relationship to other law. The following all apply to this rule:

(a) This rule is not the exclusive means for a court to protect personal information in case files from public inspection.

(b) Courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.111 is preserved for purposes of a court to:

(i) require use of forms or procedures under this rule to identify specific protected personal information so that a court can segregate the information and protect it from public inspection; and

(ii) establish requirements supplemental to this rule as necessary to help administer this rule.

(c) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:

(i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under section 6(2)(b), chapter 575, Oregon Laws 2003 ('03 HB 2646).

(ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.375, or 192.445.

(4) Procedure to follow. A person may only request protected personal information be segregated under this rule when the information is already in a document that has become part of a court case file. To do so, a person must do all the following:

(a) Complete an affidavit in substantially the form provided in UTCR Form 2.110.4a. The affidavit:

(i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.

(ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.

(iii) Must specifically identify the case file, document in the case file, and the page number of the page that is sought to be redacted.

(iv) Must be accompanied by a copy of that page sought to be redacted showing specifically the protected personal information to be redacted.

(b) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit.

(c) File the completed forms and attachments with the court.

(d) Pay the required fee set by Chief Justice Order. *(Note: Fiscal analysis has shown this fee will be need to be set at $25.00 for each page sought to be redacted in order to recover court costs.)*

(e) **For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only, and not the information sheet or attachments to the information sheet.**

(5) **Court response. When a completed request is filed under this rule and granted by the court, the court will do the following:**

(a) **Segregate and protect the specifically identified protected personal information from the specific location in the specific document that is the object of the request unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information maybe kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically provided by law.**

(b) **Separate and maintain the information sheet and any attachments as not subject to public inspection. Once the information sheet is separated, place the affidavit in the case file.**

(c) **Replace any page from which the specific information is removed with a redacted copy of the page and keep the original, unmodified page with the information sheet and its attachments. Any substitute page from which the specific information is removed will include a notation of the date and responsible individual and that the redacting was done under this rule. Courts will separate information and redact documents under this rule according to the State Court Administrator's direction, or as otherwise specifically provided by law.**

(d) **Send a notice confirming completion of work, that work cannot be completed for some reason, or that a request is denied, only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text to be filled in as indicated for the court to mail:**

"Dear _____ (*person requesting print your name here*), Your request of _____ (*insert date of request*) to segregate specific personal information from information the general public can inspect in the case file for case number _____ (*insert case number*) in the Circuit Court for _____ (*insert county*) County (*court will check and complete the appropriate following response*):

☐ Was completed on _____ (*insert date*).
_____ (*initial of appropriate court employee*)

☐ **Could not be completed because (*explain and provide contact information for further action*):** _____
_____.

☐ **Was denied because *(explain and provide contact information for further action)*:** _____
_____."

(6) **Time limits, court authority to refuse request based on resources. This rule sets no time limit for courts to segregate information from existing court records when requested under this rule. Courts have a reasonable time given their ordinary workload and resources available. And, notwithstanding other parts of this rule, a court is not required to segregate information from existing court records based on a request under this rule if the workload created would adversely affect the resources available for a court to perform its ordinary duties.**

(7) **Parts of UTCR 2.100 that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8) and (9).**

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____COUNTY
_____ Division - _____
(court's address and phone number)

Case name:	)	CASE No. _____
_____	)	
Plaintiff Name	)	**UTCR 2.110 AFFIDAVIT, REQUEST TO REDACT PROTECTED PERSONAL INFORMATION FROM DOCUMENT EXISTING IN CASE FILE**
v.	)	
_____	)	
1ST Defendant Name	)	

IMPORTANT NOTE TO PERSON COMPLETING THIS AFFIDAVIT: Except as specifically ordered by a court, this affidavit and UTCR Form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, *see UTCR 2.110*). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: By this affidavit under UTCR 2.110, I request that the protected personal information in the form attached to this affidavit be redacted from a document in the case file for the case noted above that the general public can see.

The protected personal information I request to be segregated is as follows:

A. The following is a **general** description of the protected personal information (*example description "my social security number" or "father's bank account number"*. ***Do not include specific protected personal information here.***	B. The following is the legal authority by which I believe this information may be exempt from public inspection (*cite to statute, rule, case, etc.). Row numbers correspond to those in column A. Add rows in both columns as necessary.*
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____ The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.

2. The specific protected personal information is in the document in the case file that the following Identifies:

   a. Case file number where found _____.

   b. Description of document containing the information: _____.

   c. Page number *(identification)* of the page(s) containing the information: _____.

   d. A copy of the object page(s) showing specifically the information to be redacted is attached (*required)*: ☐ Yes ☐ No

3. I have attached the required fee of $_____ per page for all of the _____ (*number of pages)* pages I have requested be redacted for a total amount of $_____ (*total amount of check or money order attached*).
   ☐ Yes ☐ No

4. I (*initial one)* _____ have OR ____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.110 so that the court can inform me of its response to this request.

5. *(Initial to confirm)* _____ I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies for purposes described in UTCR 2.100.

6. *(Initial to confirm, write NA if not applicable)* _____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).

7. *(Initial to confirm)* _____ I have mailed or delivered copies of this request (*not including the attached UTCR Form 2.100.4b and its attachments*) to people required by UTCR 2.080.

I knowingly give the information in this affidavit, the attached information sheet, and any attachments to the information sheet under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.

Date _____ Signature _____
OSB# (*if applicable*) _____ Type or print name _____

For office use:

Segregation _____ granted OR _____ denied (*state reason*) _____
_____.

Date: _____

TRIAL COURT ADMINISTRATOR
By_____

UTCR REPORTER
SUMMARY OF MAJOR CHANGES
2004 UTCR AMENDMENTS

Future UTCR Committee Meetings

October 8, 2004, in Salem, at the Oregon Office of the State Court Administrator. The meeting will be carried over to the following day, October 9, 2004, if the business of the committee is not completed on the first day.

At the meeting the committee will review proposed SLR and make recommendations to the Chief Justice on disapproval of proposed SLR under UTCR 1.050. This is the only meeting currently anticipated in the next UTCR cycle at which the committee intends to accept proposals to make recommendations for UTCR changes that would take effect August 1, 2005. Meeting dates for the following year will be scheduled at this meeting.

Additional information on the UTCR can be found at:
http://www.ojd.state.or.us/programs/utcr/index.htm.

Changes to the UTCR are listed below. **New wording is underlined and in bold** and [*deleted wording is italicized and in brackets*]. Where new UTCR have been added, the rule may not be set out in this section, but may be found in the full UTCR. The following changes go into effect August 1, 2004, and are also included in the full UTCR following this summary.

UTCR CHAPTER 1

1. Amend **UTCR 1.020(3) and (4)** and add a Reporter's Note, as follows:

1.020 AMENDMENT OF THESE RULES; EFFECTIVE DATE

(1) * * *

* * * * *

(3) Proposed amendments to the UTCR will be *[published in]* **posted on** the [*Oregon Appellate Courts Advance Sheets*] **Oregon Judicial Department website (http://www.ojd.state.or.us)** and will allow no less than a 49-day period for public comment.

(4) Once approved by the Chief Justice, the final rules with any amendments which are adopted will be *[published in]* **posted on** the [*Oregon Appellate Courts Advance Sheets*] **Oregon Judicial Department website (http://www.ojd.state.or.us)** no less than 49 days before their effective date.

REPORTER'S NOTE (8-1-04): Proposed amendments and final rules will continue to be published in the Oregon Appellate Courts Advance Sheets, but official notice will be posted on the Oregon Judicial Department website.

2. Amend **UTCR 1.080(3)**, as follows:

1.080 FORMAT AND LOCATION OF COURT RULES

(1) * * *

* * * * *

(3) SLR must be numbered as closely as possible to and in the same chapter as related UTCR, without using numbers reserved for UTCR. The following chapter numbers are reserved for the placement of SLR related to the subjects described for the chapter numbers:

(a) * * *

* * * * *

(g) Chapter 20, SLR relating to voluntary arbitration.

UTCR CHAPTER 2

3. Amend **UTCR 2.010(7)**, as follows:

2.010 FORM OF DOCUMENTS

The form of all documents, including pleadings and motions, except where a different procedure is specified by statute or rule, must be:

(1) * * *

* * * * *

(7) Attorney or Litigant Information

All documents must include the author's name, address, telephone number, if any, and, if prepared by an attorney, the name and the Bar number of the author and the trial attorney assigned to try the case. **On and after August 1, 2005, the author's fax number, if any, and the attorney's e-mail address, if any, must also be included.** Any document not bearing the name and Bar number of an attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form as set out in Form 2.010.7 in the UTCR Appendix of Forms.

(8) * * *

* * * * *

4. Amend **UTCR 2.090**, as follows:

2.090 FILINGS FOR CONSOLIDATED CASES

Cases that are consolidated are consolidated for purposes of hearing or trial only. All pleadings, memoranda, and other documents applicable to more than one file will be filed in each case under existing captions and case numbers **unless otherwise ordered by the court**. **Unless otherwise ordered by the court,** [*A*]**a**ny document applicable to only a single file will be singly filed. It is the duty of counsel to provide the trial court administrator with sufficient documents to allow filings consistent with this rule **or a court order pursuant to this rule**.

5. Amend **UTCR 2.100**, as follows:

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) * * *

(2) Information covered. As used in this rule:

(a) * * *

(b) "Protected personal information" includes, but is not limited to:

(i) Social security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions **and can be kept confidential under ORS 107.840 or ORS 192.502(2)**.

(ii) Maiden names, birth dates, and place of birth **that can be kept confidential under ORS 192.502(2)**.

(iii) * * *

* * * * *

(c) * * *

* * * * *

(3) Relationship to other law. The following all apply to this rule:

(a) Parties to proceedings under ORS 107.085 or 107.485 must segregate all social security numbers from all documents they submit related to the proceedings in the manner provided by this rule. These social security numbers are confidential in the custody of the court as [*section 1, chapter 380, Oregon Laws 2003 ('03 HB 3015)*] **ORS 107.840** provides. Other than as this paragraph or an SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.

(b) * * *

* * * * *

(d) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:

(i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under [*section 6(2)(b), chapter 575, Oregon Laws 2003 ('03 HB 2646)*] **ORS 18.048(2)(b)**.

(ii) * * *

(4) * * *

* * * * *

(6) Court response. When a completed request is filed under this rule and the court grants the request to segregate, the court will do the following:

(a) Separate the UTCR Form 2.100.4b from the affidavit and maintain that form and any attachments to it as not subject to public inspection unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information [*maybe*] **may be** kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically required by law.

(b) * * *

* * * * *

(7) Limits on protection. When the court grants a request under this rule, the court will protect the submitted Form 2.100.4b from being placed where the general public can inspect it. However, the following limits apply to this confidentiality:

(a) * * *

* * * * *

(e) Courts will share the information sheets and attachments with the entity primarily responsible for providing support enforcement services under ORS 25.080 and under the requirements of 42 [*U.S. C.*] **USC** 666 without application under subsection [*(10)*] **(8)** of this rule in any case in which spouse or child support is ordered.

(8) * * *

(9) Denied requests. If a court denies a request under this rule:

(a) * * *

(b) For only some of the personal information on a UTCR Form 2.100.4b, the court will:

(i) create[*d*] a copy of the form where the information to be protected is redacted,

(ii) * * *

* * * * *

UTCR CHAPTER 3

6. Amend **UTCR 3.140(1)**, as follows:

3.140 RESIGNATION OF ATTORNEYS

(1) An application to resign made pursuant to ORS 9.380 must contain the name, address and telephone number of the party and of the new attorney, if one is being substituted, and the date of any scheduled trial or hearing. **On and after August 1, 2005, the attorney's fax number and e-mail address, if any, must also be included.** It must be served on that party and the opposing party's attorney. If no attorney has appeared for the opposing party, the application must be served on the opposing party, either in person or by certified mail, return receipt requested, to the opposing party's last known address. A notice of change or withdrawal of attorney must be promptly filed.

(2) * * *

* * * * *

7. Amend **UTCR 3.170(1)**, as follows:

3.170 ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)

(1) An attorney authorized to practice law before the highest court of record in any state or country ("out-of-state attorney") may appear on behalf of a party in any action, suit, or proceeding pending in this state before a court or administrative body even though that attorney is not licensed to practice law in this state, if the attorney satisfies all of the following requirements:

(a) Show**s** that the attorney is an attorney in good standing in another state or country.

(b) Certif**ies**[*y*] that the attorney is not subject to pending disciplinary proceedings in any other jurisdiction or provide a description of the nature and status of any pending disciplinary proceedings.

(c) Associate**s** with an active member in good standing of the Oregon State Bar ("local attorney") who must participate meaningfully in the matter.

(d) Certif**ies**[*y*] that the attorney will: comply with applicable statutes, law, and procedural rules of the state of Oregon; be familiar with and comply with the disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and the Oregon State Bar with respect to acts and omissions occurring during the out-of-state attorney's admission under this rule.

(e) If the attorney will engage in the private practice of law in this state, provide**s** a certificate of insurance covering the attorney's activities in this state and providing professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan.

(f) Agree**s**, as a continuing obligation under this rule, to notify the trial court or administrative body promptly of any changes in the out-of-state attorney's insurance or status.

(g) If application will be for an appearance before a court, pay**s** any fees required by subsection (6) below for appearance under this rule. No fee is required if application will be for an appearance before an administrative body.

(2) * * *

* * * * *

UTCR CHAPTER 5

8. Amend **UTCR 5.090**, as follows:

5.090 NOTICE TO COURT IN WATER RIGHTS CASES

If at any time during [*the life of*] a case a party asserts a disputed water right, the party must give notice to the court that the case involves water rights. If not stated in the caption of the original complaint that begins the court case, the notice shall be in the following form:

(1) Be on a separate piece of paper.

(2) Include the caption **of** [*for*] the case and the case number.

(3) Include a [*simple*] statement that the case involves water rights.

(4) Be signed by the attorney or party.

9. Amend **UTCR 6.030(1) and (2)**, as follows:

6.030 POSTPONEMENT OF TRIAL [*DATE*]

(1) A request to postpone a trial [*date*] must be by motion.

(2) A motion to postpone a trial [*date*] must be signed by the attorney of record and contain a certificate stating that counsel has advised the client of the request and must set forth:

(a) * * *

* * * * *

10. Amend **UTCR 6.060(1)**, as follows:

6.060 PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS

(1) All requested jury instructions and verdict forms must be in writing and delivered concurrently to the **trial judge** [*court*] and to opposing parties.

(2) * * *

* * * * *

11. Amend **UTCR 6.070**, as follows:

6.070 [*RECORDED OR WRITTEN*] JURY INSTRUCTIONS

[*(1) A party requesting written or recorded jury instructions, as provided by ORCP 59 B, shall have the responsibility for recording or reducing the court's instructions to writing in a timely manner.*

(2)] No identifying information relating to the parties or any other extraneous material, including authorities, [*must*] **shall** appear on [*the typed or copied instructions*] **submitted jury instructions**.

12. Amend **UTCR 6.130**, as follows:

6.130 WAIVER OF JURY TRIAL IN CIVIL CASES

No waiver of trial by jury in civil cases in circuit court shall be deemed to have occurred unless the parties notify the court of such a waiver before 5:00 p.m. of the last judicial day before trial. Thereafter, a jury trial may not be waived without the consent of the court. Failure to timely notify the court of a waiver before the day of trial may result in an assessment by the judge on one or both of the parties for the per diem fee and mileage costs of bringing in the jury panel for that [*particular*] trial.

13. Amend **UTCR 6.200(2)(b)**, as follows:

6.200 PRETRIAL SETTLEMENT CONFERENCES

(1) * * *

(2) Each SLR under this section, if adopted, should include the following provisions:

(a) * * *

(b) Each [*trial attorney and*] party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause.

(c) * * *

* * * * *

(3) * * *

* * * * *

UTCR CHAPTER 7

14. Amend **UTCR 7.010(3)(a)**, as follows:

7.010 PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES

(1) * * *

* * * * *

(3) Not later than the date set pursuant to subsection (2), trial counsel must report the following:

(a) whether a jury trial is **<u>requested</u>** [*desired*];

(b) * * *

* * * * *

(4) * * *

15. Amend title of **UTCR 7.040**, as follows:

7.040 **<u>NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS</u>** [*NOTIFY COURT OF ACTIVITY CHANGING SCHEDULE*]

The parties shall report immediately to the court any resolution of any matter scheduled on the court's docket.

16. Delete note to **UTCR 7.050**, as follows:

7.050 Effect of Bankruptcy Petition

(1) * * *

* * * * *

[*NOTE: For purposes of subsection (3) of this section, ORS 46.270 continues to provide a statutory basis for dismissal of actions for want of prosecution until its repeal on 1/15/98.*]

UTCR CHAPTER 8

17. Amend **UTCR 8.010**, as follows:

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) * * *

(2) Petitioners, when **serving** [*providing service on*] respondents, must attach to the petition a copy of the Notice to Parties of A Marriage Dissolution as required by ORS 107.092. Copies of the notice may be obtained from the trial court administrator's office.

(3) * * *

(4) In **all** [*any*] contested dissolution of marriage, separate maintenance or annulment action**s**, each party must file with the trial court administrator and serve on the other party a statement listing all marital and other assets and liabilities, the claimed value for each asset and liability and the proposed distribution of the assets and liabilities. In the alternative, the parties may elect to file with the trial court administrator a joint statement containing this information.

(5) In **all** [*any*] proceeding**s** under ORS chapters 107, 108, or 109 wherein child support or spousal support is contested, each party must file with the trial court administrator and serve on the other party a Uniform Support Affidavit in the form specified in Form 8.010.5 in the UTCR Appendix of Forms. A Uniform Support Affidavit required by this subsection must be completed as follows:

(a) * * *

* * * * *

(6) The documents required to be filed under subsections (4) and (5) above must be filed and served:

(a) at the time designated in the relevant SLR;

(b) in the absence of an SLR **to the contrary** [thereof], not less than 14 days before the hearing on the merits unless both parties stipulate otherwise, but in any event **before** [*by*] the beginning of trial.

(7) No judgment under this chapter shall be signed, filed or entered without the filing with the trial court administrator of all relevant documents, including all of the following:

(a) * * *

* * * * *

(f) If child support is an issue, the [*SED*] **Division of Child Support (DCS)** work sheets described under UTCR 8.060.

(g) * * *

(8) Parties who have been **requested** [*ordered*] to submit a proposed judgment [*in cases involving child or spousal support*] must submit [*the original and one copy*] to the trial court administrator **the following so the court may comply with its obligation to forward copies of these documents to the DCS:**

(a) The original and one copy of the proposed judgment; and

(b) If personal information has been segregated pursuant to UTCR 2.100, one copy each of the affidavit and information sheet required by UTCR 2.100(4)(b) and (c).

(9) Parties to proceedings under ORS 107.085 or 107.485 must follow UTCR 2.100 to segregate all social security numbers from documents the parties submit in the proceedings so the numbers will be protected as required by [*section 1, chapter 380, Oregon Laws 2003 ('03 HB 3015)*] **ORS 107.840**.

18. Amend **UTCR 8.050(4)**, as follows:

8.050 JUDGMENT MODIFICATION PROCEEDINGS

(1) * * *

* * * * *

(4) If public assistance is being provided to the minor child(ren), however, and the [*Support Enforcement Division (SED)*] **Division of Child Support (DCS)** of the Department of Justice either initiates or responds to a support modification proceeding, [*SED*] **DCS** must be allowed to file and serve, in lieu of the Uniform Support Affidavit, an affidavit which sets out the following information:

(a) * * *

* * * * *

(d) A statement of the value of food stamp[*s*] **benefits** being provided.

(e) * * *

* * * * *

19. Amend **UTCR 8.060**, as follows:

8.060 FILING [*SED*] **DCS** WORK SHEETS REQUIRED IN CHILD SUPPORT CASES

Parties must submit the completed [*Support Enforcement Division (SED)*] **Division of Child Support (DCS)** child support computation work sheets that are appended to OAR 137-**0**50-**0**320 to 137-**0**50-**0**490 as required by the following:

(1) * * *

* * * * *

20. Amend **UTCR 8.080**, as follows:

8.080 STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS (Adopted out-of-cycle on December 5, 2003, pursuant to CJO 03-072; effective January 1, 2004.)

(1) The form of notice specified in Form 8.080.1 in the UTCR Appendix of Forms shall be used for the statutory restraining order established by [*section 2, chapter 414, Oregon Laws 2003 ('03 SB 801)*] **ORS 107.093**. The petitioner shall be responsible for assuring that a copy of the notice is attached to the summons as required by [*section 5, chapter 414, Oregon Laws 2003 ('03 SB 801)*] **ORS 107.093(5)**. The notice shall not be signed by a judge.

(2) The request for hearing required by [*section 3, chapter 414, Oregon Laws 2003 ('03 SB 801)*] **ORS 107.093(3)** shall be in substantially the same form as specified in Form 8.080.2 in the UTCR Appendix of Forms.

21. Amend **UTCR 8.090**, as follows:

8.090 CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS (Adopted out-of-cycle on December 5, 2003, pursuant to CJO 03-072; effective January 1, 2004.)

A certificate regarding pending child support proceedings and/or existing child support orders and/or judgments, in substantially the same form as specified in Form 8.090 in the UTCR Appendix of Forms, shall be included with motions and petitions filed pursuant to ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, and 125.025, as required by [*sections 3, 4, 5, 7, 8, 9, 10, and 11 of chapter 116, Oregon Laws 2003*] **ORS 107.085(3), 107.135(2)(b), 107.431(2)(b), 108.110(4), 109.100(3), 109.103(3), 109.165(3), and 125.025(4)(b)**.

UTCR CHAPTER 9

22. Delete Reporter's Notes from **Chapter 9** that appear at the beginning of the chapter and following 9.040, 9.050, 9.060, 9.070, 9.180, 9.190, 9.300, 9.310, and 9.320.

23. Amend **UTCR 9.030**, as follows:

9.030 ADDRESSES AND TELEPHONE NUMBERS REQUIRED

(1) The name, address, telephone number and bar number of the attorney of record must be typed or printed on the last page of every petition, motion and order. **On and after August 1, 2005, the attorney's fax number and e-mail address, if any, must also be included.**

(2) The name, address and telephone number of the guardian, conservator or personal representative must be typed or printed on the last page of every order.

(3) The trial court administrator must be promptly notified by separate letter of any change in address or telephone number of any attorney of record, unrepresented party, guardian, conservator or personal representative.

24. Amend **UTCR 9.160(1)(b)**, as follows:

9.160 FORM OF ACCOUNTINGS

* * * * *

(1) Preliminary information. The beginning of the accounting shall state:

(a) * * *

(b) If no bond is required, the date of the court order waiving the bond or a reference to the statute exempting the fiduciary from filing a bond. If a bond is required, the accounting shall state the current amount of the total bond. If a bond is required, an [*interim*] accounting shall also provide the following information.

(i) * * *

* * * * *

(2) * * *

* * * * *

25. Amend **Chapter 12** - Mediation, as follows:

CHAPTER 12—MEDIATION

GENERAL REQUIREMENTS FOR ALL COURT-CONNECTED MEDIATORS

12.500 APPLICABILITY

The rules in UTCR 12.500 to [*12.640*] **12.760**:

(1) Establish minimum qualifications, including education, training, experience, and conduct requirements, applicable to:

(a) General civil mediators as provided by ORS 36.200(1).

(b) Domestic [*Custody/parenting*] relations **custody and parenting** mediators as provided by **ORS** 107.775(2).

(c) Domestic **relations** financial mediators as provided by ORS 107.755(4).

(2) Do not allow persons listed as qualified for one type of mediation to perform another type of mediation which requires a different qualification unless the mediator is also listed as qualified for the other type of mediation.

(3) Do not:

(a) In [*anyway*] **any way** alter the requirements pertaining to personnel who perform conciliation services under ORS 107.510 to 107.610.

(b) [*Apply to persons while mediating in proceedings under ORS 107.700 to 107.730.*] **Allow mediation of proceedings under ORS 30.866, 107.700 to 107.732, 124.005 to 124.040, or 163.738, as provided in ORS 107.755(2).**

(c) In [*anyway*] **any way** [*to*] establish any requirements for compensation of mediators.

(d) Limit in [*anyway*] **any way** the ability of mediators or qualified supervisors to be compensated for their services.

NOTE: CJO 03-058 which adopts these rules, provides as follows: "Although the attached adopted UTCR change the format and modify what currently exists to be consistent with the form and tone of the UTCR and the structure of the Oregon Judicial Department, they are drafted to incorporate all specific requirements and are to be interpreted as to not change existing practice under the replaced Oregon Administrative Rules (OAR) until August 1, 2004, at which time these UTCR will be interpreted according to their plain language."

12.510 DEFINITIONS

As used in UTCR 12.500 to [*12.640*] **12.760**:

(1) "Basic mediation curriculum" means the curriculum [*setout*] **set out** in UTCR [12.*610*] **12.730**.

(2) "Continuing education requirements" means the requirements [*setout*] **set out** in UTCR [12.*630*] **12.750**.

(3) "Court-system training" means [*the training setout*] **a curriculum or combination of courses set out** in UTCR [*12.620*] **12.740**.

(4) "Determining authority" means an entity that acts under UTCR 12.520 concerning qualification to be a listed mediator.

(5) [*"Domestic abuse training" means training in domestic violence and child abuse.*] **"Domestic relations custody and parenting mediator" means a mediator for domestic relations, custody, parenting time, or parenting plan matters in circuit court under ORS 107.755 who meets qualifications under UTCR 12.610 as required by ORS 107.775(2).**

(6) "Domestic **relations** financial mediator" means a mediator for domestic relations financial matters in circuit court under ORS 107.755 who meets qualifications under UTCR [*12.570*] **12.620** as required by ORS 177.755(4).

[*(7) "Domestic custody/parenting relations mediator" means a mediator for domestic relations, custody or parenting time matters in circuit court under ORS 107.755 who meets qualifications under UTCR 12.560 as required by ORS 107.775(2).*]

([*8*] **7**) "Experience requirement" means meeting requirements at a level described in UTCR [*12.640*] **12.760**.

([*9*] **8**) "Family or divorce curriculum" is a curriculum **or combination of courses** that includes at least four hours in each of the following areas:

(a) mediation process;

(b) psychological issues;

(c) child development;

(d) family law; and

(e) family economics.

([*10*] **9**) "Family studies course" means a seminar or graduate-level course **or combination of courses** [*work*] which substantially covers each of the following:

(a) child development;

(b) alcohol and drug abuse;

(c) domestic violence and child abuse;

(d) family financial planning and budgeting;

(e) family conflict theories and dynamics; and

(f) family law and divorce process.

([*11*] **10**) "General civil mediator" means a mediator for civil matters in circuit court under ORS 36.189 to 36.210, including small claims and forcible entry and detainer cases, who meets qualifications under UTCR [*12.550*] **12.600** as required by ORS 36.200(1).

([*12*] **11**) "Independent qualification review" means the process described in UTCR [*12.600*] **12.720**.

([*13*] **12**) "Lead trainer" means a person who is qualified at one of the levels described in UTCR [*12.580*] **12.700**.

([*14*] **13**)" Listed mediator" means a mediator who a circuit court or judicial district of this state officially recognizes and shows by appropriate official documentation as being approved within that court or judicial district as a general civil **mediator**, domestic [*custody/parenting*] **relations custody and parenting mediator**, or domestic **relations** financial mediator for purposes of the one or more mediation programs operated under the auspices of that court or judicial district that is subject to UTCR 12.500.

[*(15) "Qualified supervisor" means a person qualified as described in UTCR 12.590.*

(16) "Substance abuse training" means training in alcohol and drug abuse.]

12.520 DETERMINING AUTHORITY, DETERMINING MEDIATOR QUALIFICATIONS, OTHER RESPONSIBILITIES AND AUTHORITY

(1) The determining authority:

(a) Is the entity within a judicial district with authority to determine whether applicants to become a listed mediator for courts within the judicial district meet the qualifications for the appropriate listing as described in this chapter and whether listed mediators meet any continuing qualifications required by this chapter.

(b) Is the presiding judge of the judicial district unless the presiding judge has delegated the authority to be the determining authority as provided or allowed by statute. Delegation under this paragraph [*maybe*] **may be** made to an entity chosen by the presiding judge to establish a mediation program as allowed by law or statute. A delegation must be in writing and, if[,] it places any limitations on the presiding judge's ultimate authority to review and change decisions made by the delegatee, must be approved by the State Court Administrator before the delegation can be made.

(2) Authority over qualifications. Subject to the following, a determining authority, for good cause, may allow appropriate substitutions, or obtain waiver, for any of the minimum qualifications for a listed mediator.

(a) Except as provided in (b) of this subsection, a determining authority that allows a substitution must, as a prehiring condition, require the applicant to commit to a written plan to meet the minimum qualifications within a specified reasonable period of time. A determining authority that is not a presiding judge must notify the presiding judge of substitutions allowed under this section.

(b) For good cause, a determining authority, other than the presiding judge for the judicial district, may petition the presiding judge for a waiver of specific minimum qualification requirements for a specific person to be a listed mediator. A presiding judge may waive any of the qualifications to be a listed mediator in an individual case with the approval of the Oregon State Court Administrator.

(3) The State Court Administrator may approve the successful completion of a standardized, performance-based evaluation to substitute for formal degree requirements under UTCR [*12.560*] **12.610** or [*12.570*] **12.620** upon determining an appropriate evaluation process has been developed and can be used at reasonable costs and with reasonable efficiency.

(4) Each determining authority that makes determinations for domestic **relations** financial mediators shall assure reasonably current lists of qualified supervisors**, described in UTCR 12.710,** are provided to each court for which it makes determinations. Each court shall assure that reasonably current lists of qualified supervisors working in programs for that court are provided to the Office of the State Court Administrator.

12.530 MEDIATOR STANDARDS OF CONDUCT

A listed mediator required to meet or subscribe to standards of conduct of this section, must establish to the satisfaction of, and in the manner established by, the determining authority that the mediator meets or subscribes to all the following standards of conduct:

(1) General responsibilities:

(a) Mediators have duties to the parties, to their profession, and to themselves. They should be honest and unbiased, act in good faith, be diligent, and never seek to advance their own interests at the expense of the parties.

(b) Mediators must act fairly in dealing with mediation participants, have no personal interest in the terms of any settlement agreement, show no bias toward individuals or institutions involved in mediation, be reasonably available as requested by mediating parties, and be certain that the parties are informed about the mediation process in which they are involved.

(2) Responsibilities to the parties:

(a) Impartiality. The mediator must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action, and a commitment to serve all mediation participants as opposed to a single party. The mediator should disclose to the participants any

affiliations which the mediator may have with any participant and obtain all parties' consent to proceed as mediator.

(b) Informed Consent. The mediator has an obligation to assure that all parties understand the nature of the mediation process, procedures to be utilized, and the particular role of the mediator. Each party's consent to proceed with mediation should be obtained early, prior to the beginning of substantive negotiations.

(c) Confidentiality. Maintaining confidentiality is generally critical to the integrity of the mediation process. Confidentiality encourages candor, a full exploration of the issues, and the possibilities of settlement. The mediator shall inform mediation participants of the degree to which communications connected with the mediation process shall be confidential, including any individual caucuses which may be utilized. Except as legally required, the mediator should resist testifying and disclosing other information about the substance of a mediation at any proceeding without the consent of all mediating parties.

(d) Suspension or Termination of Mediation. The mediator shall inform the participants of their rights to withdraw from mediation at any time and for any reason, except as is required by law. If the mediator believes that participants are unable or unwilling to participate effectively in the mediation process, the mediator should suspend or terminate the mediation, except as is required by law. If the parties reach a final impasse, the mediator should not prolong unproductive discussions which result in emotional and monetary costs to the participants.

(3) Defining the process:

(a) Comparison to Other Processes. In appropriate cases, the mediator shall explain that mediation is not arbitration, legal representation, or therapy. The mediator shall explain that the mediator will not decide any issues for the parties.

(b) Independent Advice and Information. In mediations in which disputants personally represent their own individual interests and substantial legal issues exist, the mediator shall encourage participants to obtain desired individual legal advice and individual legal review of any mediated agreement as is reasonably necessary for the parties to reach an informed agreement.

(c) Full Disclosure. In mediations in which disputants represent their own individual interests, the mediator shall seek to ensure to the mediator's[.], and all mediation participants', reasonable satisfaction the full disclosure of relevant information in the mediation process. If the mediator believes that full disclosure is not reasonably being made, the mediator shall express such concern to the mediation participants. If this concern is not reasonably satisfied, the mediator may suspend or terminate the mediation.

(d) Opportunity for Full Expression of Interests. The mediator shall seek to provide each mediation participant with a full opportunity to effectively express his or her interests.

(e) Fees. The mediator has a duty to define and describe any fees for the mediation and to agree with participants as how fees are to be shared and the manner of payment before proceeding to facilitate substantive negotiations. When setting fees, the mediator shall ensure that they are explicit, fair, and commensurate with the service to be performed. Unearned fees must be promptly returned to the participants. It is inappropriate for a mediator to charge contingent fees or to base fees upon the outcome of a mediation. No commissions, rebates, or similar forms of remuneration shall be given or received for referral of clients.

(f) Additional Representation or Roles. A mediator should not engage in any nonmediative role relative to the subject matter of a mediated dispute, except by the informed consent of all mediation participants.

(4) Responsibilities to the profession and the public:

(a) Continuing Education. A mediator should participate in continuing mediation education and be personally responsible for ongoing professional growth. A mediator is encouraged to join with other mediators and members of related professionals to promote mutual professional development.

(b) Advertising. All mediation advertising must honestly represent the mediator's qualifications and the services to be rendered. No claims of specific results or promises should be made.

12.540 PROVIDING AND MAINTAINING PUBLICLY AVAILABLE INFORMATION

(1) **Contact information for court use and public dissemination:** [*When required to comply with this section, a*] **All** listed mediator**s** must submit and maintain as current for public dissemination all the following information to each court at which the mediator is a listed mediator:

(a) **Programs and businesses which provide mediation services to the court through volunteer or employee mediators shall provide contact information for the program or business using UTCR Form 12.540.1a.**

(b) **Any mediator whose court-connected mediation is provided solely through a program or business which has contact information on file with each court for which that program or business provides mediation services, may provide the name and contact information of that program or business as their own for purposes of this subsection.**

(c) **All mediators who do not work for a program or business shall provide contact information for themselves using UTCR Form 12.540.1a.**

(2) **Consumer information for public dissemination: All listed mediators, programs, and businesses which provide mediation through the court may submit and maintain as current for public dissemination information to be provided to potential users of mediation using UTCR Form 12.540.2.**

[*(1)* *Name.*

(2) *Business name.*

(3) *Address.*

(4) *Telephone number.*

(5) *Facsimile number.*

(6) *Description of formal education.*

(7) *Description of mediation training, including dates, trainers' names, evidence of completion, and training outline(s).*

(8) *Description of mediation experience.*

(9) *Relevant organizations with which the mediator is affiliated.*

(10) *Description of other relevant experience.*

(11) *Evidence of subscription to the Standards of Mediator Conduct in UTCR 12.530.*

(12) *Description of how fees are established.*

(13) *Statement of case preference in the following form:*

CATEGORIES OF CASES	*Yes*	*No*
Business		
Domestic Relations		
Neighborhood/Community		
Employment		
Small Claims		
Landlord-Tenant		
Probate		
Torts		
Other (Specify)		

]

QUALIFICATIONS FOR COURT-CONNECTED MEDIATORS BY CASE TYPE

[*12.550*] **12.600** QUALIFICATION AS A LISTED GENERAL CIVIL MEDIATOR, ONGOING OBLIGATIONS

To become a listed general civil mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet ongoing requirements as described:

(1) Training. An applicant must have completed a total of at least 36 hours of training, including all the following:

(a) The basic mediation curriculum**, in UTCR 12.730,** provided by a lead trainer with [*level 2*] **type 1** qualifications**, in UTCR 12.700,** or substantially similar training. An individual who has completed the basic mediation training under either the "Community Dispute Resolution Program Rules" (OAR 718-020-0070) or the "Minimum Qualifications and Training for Court Connected Domestic Relations Mediators Rules" (OAR 718-030-0050(1) and (2)) has met the requirements established by this paragraph.

(b) At least six hours of court-system training **in UTCR 12.740** or substantially similar training.

(2) Experience. An applicant must have completed experience requirements at experience level 1 **in UTCR 12.760**.

(3) Conduct. An applicant, and as an ongoing obligation a listed general civil mediator, must subscribe to the standards of conduct in UTCR 12.530.

(4) Public information. An applicant, and as an ongoing obligation a listed general civil mediator, must comply with requirements to provide and maintain information in UTCR 12.540.

[*12.560*] **12.610** QUALIFICATION AS A LISTED [*DOMESTIC CUSTODY/PARENTING RELATIONS*] **DOMESTIC RELATIONS CUSTODY AND PARENTING** MEDIATOR, ONGOING OBLIGATIONS

To become a listed [*domestic custody/parenting relations*] **domestic relations custody and parenting** mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet ongoing requirements as described.

(1) Education. An applicant must possess one of the following:

(a) A master's degree from an accredited college or university with substantial course work in a behavioral science.

(b) A law degree from an accredited law school with substantial course work and/or Continuing Legal Education credits in family law.

(2) Training. An applicant must have completed [*one of the following or substantially similar*] training **in each of the following areas**:

(a) Mediation Training:

[*(a)*] **(i)** the basic mediation curriculum **in UTCR 12.730** and at least 24 hours of either family or divorce curriculum **in UTCR 12.510**, or training substantially similar to [*the family and divorce curriculum*] **each of those curricula**; or

[*(b)*] **(ii)** a curriculum which combines the basic mediation curriculum **in UTCR 12.730** and either family or divorce curriculum[.] **in UTCR 12.510,** or training substantially similar to [*the family and divorce curriculum*] **each of those curricula**, in at least a 40-hour curriculum.

[*(3)*]**(b)** *[Training.*] For [*subsection (2)*] **paragraph (a)** of this section, the **basic mediation** training must be provided by a lead trainer with [*level*] **type** 1 qualifications **in UTCR 12.700, and the family or divorce curriculum must be provided by a lead trainer with type 2 qualifications in UTCR 12.700** and must include, in addition to the requirements under UTCR [*12.610*] **12.730 and 12.510**, the following as described:

[*(a)*] **(i)** [*Feed back*] **Feedback** given to the trainee**,** [*must include*] **including** an evaluation of the trainee by the trainer**,** which identifies areas where trainee improvement is needed for the benefit of both the trainee and the program[.] **;**

[*(b)*] **(ii)** The training must specifically address assisting individuals during intake and case development to resolve their disputes with a minimum of intervention by a third party[.] **; and**

[*(4)*] **(iii)** [*Training. An applicant must have completed a domestic relations mediation curriculum of at least 24 hours with*] **The training must include at least six hours** participation as a mediator or co**-**mediator in a minimum of three simulated or actual domestic relations mediation cases [*for at least six hours*] under the supervision of [*an experienced*] **a** lead trainer with [*level 3*] **type 2** qualifications **in UTCR 12.700,** or a [*mediator*] **supervisor with type 1 qualifications in UTCR 12.710**.

[*(5) Training. An applicant must have completed at least five hours of substance abuse training.*

(6) Training. An applicant must have completed at least five hours of domestic abuse training.]

(c) Subject Matter Training:

[*(7)*] **(i)** [*Training. An applicant must have completed at*] **At** least six hours of court-system training **in UTCR 12.740** or substantially similar training[.]**; and**

[*(8)*] **(ii)** [*Training. An applicant must have completed a*] **A** family studies course **as defined in UTCR 12.510**.

[*(9)*] **(3)** Experience. An applicant must have completed experience requirements at experience levels 2 and 3 **in UTCR 12.760**.

(4) Continuing education. As an ongoing obligation, a listed domestic relations custody and parenting mediator must complete continuing education requirements in UTCR 12.750.

[*(10)*] **(5)** Conduct. An applicant, and as an ongoing obligation a listed [*domestic custody/ parenting relations*] **domestic relations custody and parenting** mediator, must subscribe to the standards of conduct in UTCR 12.530.

[*(11)*] **(6)** Public information. An applicant, and as an ongoing obligation a listed [*domestic custody/parenting relations*] **domestic relations custody and parenting** mediator, must comply with requirements to provide and maintain information in UTCR 12.540.

[*(12) Continuing education. As an ongoing obligation, a listed domestic custody/parenting relations mediator must complete continuing education requirements.*]

[*2003*] **2004** NOTE: In the 2003 **and 2004** version**s** of these rules, subsection (3) contains requirements that were included in the basic curriculum for [*domestic custody/ parenting*] **domestic relations custody and parenting** mediators under OAR 718-030-0050 that were not included in the basic curriculum for general civil mediators under OAR 718-040-0040. So they are included here because they are apparently additional requirements.

[12.570] **12.620** QUALIFICATION AS A LISTED DOMESTIC **RELATIONS** FINANCIAL MEDIATOR, ONGOING OBLIGATIONS

To become a listed domestic **relations** financial mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet all ongoing requirements as described.

(1) Qualifications. An applicant must meet all of the qualifications under UTCR [*12.560*] **12.610** applicable to an applicant to be listed as a [*domestic custody/ parenting relations*] **domestic relations custody and parenting** mediator**, except continuing education**.

(2) Ongoing obligations. A listed domestic **relations** financial mediator must comply with all ongoing obligations a listed [*domestic custody/ parenting relations*] **domestic relations custody and parenting** mediator must comply with under UTCR [*12.560*] **12.610**.

[*(3) Ongoing obligations. In addition to continuing education requirements required under subsection (2) of this section, a listed domestic financial mediator must also have at least seven hours annually of education in financial issues in divorce and separation. Four of the hours of this additional requirement may apply to the continuing education requirement under UTCR 12.630.*]

[*(4)*] **(3)** Training **content**. In addition to training requirements required under subsection (1) of this section, an applicant must have completed 40 hours of training which includes training about all the following:

(a) Legal and financial issues in separation, divorce, and family reorganization in Oregon.

(b) In relation to paragraph (a) of this subsection: property division, asset valuation, public benefits law, domestic relations income tax law, child and spousal support, joint and several liability for family debt.

(c) Basics of corporate and partnership law, retirement interests, enhanced earning capacity, personal bankruptcy, ethics (including unauthorized practice of law), drafting, and legal process (including disclosure problems).

(d) The needs of pro se parties, the desirability of review by independent counsel, recognizing the finality of a judgment, and methods to carry out the parties' agreement.

[*(5)*] **(4)** Training **structure**. Of the training required in subsection [*(4)*] **(3)** of this section:

(a) Twenty-four of the hours must be in an integrated training.

(b) Six hours must be in three supervised role plays in financial mediation.

(c) Fifteen hours must be in training accredited by the Oregon State Bar.

[*(6)*] **(5)** Experience. In addition to the experience required under subsection (1) of this section, an applicant must have completed experience requirements at experience level 4 **in UTCR 12.760**.

(6) Continuing education. In addition to the continuing education requirements of subsection (2) of this section, a listed domestic relations financial mediator must also have at least seven hours annually of education in financial issues in divorce and separation. Four of the hours of this additional requirement may apply to the continuing education requirement under UTCR 12.750.

(7) Insurance. As an ongoing obligation, a listed domestic **relations** financial mediator shall have in effect at all times the greater of:

(a) $100,000 in malpractice insurance or self-insurance with comparable coverage.

(b) Such greater amount of coverage as the determining authority requires.

(8) Supervising. As an ongoing obligation, a listed domestic financial **relations** mediator who has been active for three years, and who qualifies as a **type 2** qualified supervisor **under UTCR 12.710**, must provide supervision necessary for other applicants to meet the experience requirements of experience level 4 necessary under subsection [*(6)*] **(5)** of this section.

COMPONENTS OF QUALIFICATIONS FOR COURT-CONNECTED MEDIATORS

[*12.580*] **12.700** LEAD TRAINERS. QUALIFICATIONS, REQUIREMENTS

When a requirement for qualification as a listed mediator requires training be done by a lead trainer at a specified level of qualification, the person doing the training must meet the qualification as specified below.

(1) A [*level*] **type** 1 qualified lead trainer is an individual who has:

(a) completed 50 hours of mediation experience; [*and*]

(b) [*has*] a substantial background as a mediation trainer or an assistant mediation trainer[.]**; and**

(c) mediation training substantially comparable to that required for a general civil mediator.

[*(2) A level 2 qualified lead trainer is an individual who:*

(a) is qualified as a level 1 qualified lead trainer; and

(b) has mediation training substantially comparable to that required for a general civil mediator.]

[*(3)*] **(2)** A [*level 3*] **type 2** qualified lead trainer is an individual who has all the following:

(a) the qualifications of a domestic relations custody and parenting mediator as defined in UTCR 12.610;

[*(a)*] **(b)** participated in a minimum of 35 domestic relations mediations or a total 350 hours of domestic relations mediation; [*and*]

(c) substantial background as a mediation trainer or an assistant mediation trainer; and

[*(b)*] **(d)** an understanding of court-connected domestic relations programs.

[*12.590*] **12.710** QUALIFIED SUPERVISORS. QUALIFICATIONS, REQUIREMENTS

When [*UTCR 12.570 and 12.640 require a qualified supervisor, they require an individual who is all of the following*] **applicants to become listed mediators are required to have completed supervised experience, the supervisors must meet the standards described below**:

(1) A type 1 supervisor is an individual who has:

(a) the qualifications of a domestic relations custody and parenting mediator as defined in UTCR 12.610;

(b) participated in a minimum of 35 domestic relations mediations or a total 350 hours of domestic relations mediation; and

(c) an understanding of court-connected domestic relations programs.

(2) A type 2 supervisor is an individual who is all of the following:

[*(1)*] **(a)** A mediator.

[*(2)*] **(b)** Someone who can affirm meeting the qualifications for a domestic **relations** financial mediator.

[*(3)*] **(c)** Someone who has been a family mediator for three years with at least 250 hours and 25 cases involving domestic relations financial mediation.

[*(4)*] **(d)** Someone who has in force malpractice insurance coverage for the supervisory role.

[*(5)*] **(e)** Someone who will issue, at the end of the supervisory experience, a letter of certification for an applicant stating whether the applicant has satisfactorily fulfilled the supervision, according to guidelines of the determining authority.

[*12.600*] **12.720** INDEPENDENT QUALIFICATION REVIEW

(1) In programs where domestic **relations** financial mediators are independent contractors, the determining authority must appoint a panel consisting of at least:

(a) a representative of the determining authority;

(b) a domestic **relations** financial mediator or **type 2** qualified supervisor**, in UTCR 12.620 and 12.710 respectively**; and

(c) an attorney who practices domestic relations law locally.

(2) The panel shall interview each applicant to be a listed domestic **relations** financial mediator solely to determine whether the applicant meets the requirements for being listed or whether it is appropriate to substitute or waive some minimum qualifications. The review panel shall report its recommendation to the determining authority in writing.

(3) Nothing in this rule affects the authority under UTCR 12.520 to make sole and final determinations about whether an applicant has fulfilled the requirements to be listed or whether an application for substitution should be granted.

[*12.610*] **12.730** BASIC MEDIATION CURRICULUM

The basic mediation curriculum [*of*] shall include all the following:

(1) At least 30 hours of training which shall include, but not be limited to, the following:

(a) a minimum of six hours participation by each trainee in three or more supervised role plays with feedback; and

(b) a trainee self-assessment.

(2) Development of mediation knowledge and skills, including information gathering, relationship skills, communication skills, problem solving, conflict management, and ethical practices.

(3) The curriculum shall specifically address all the following areas:

(a) Active listening, empathy, and validation.

(b) Sensitivity to, and awareness of, cross-cultural issues.

(c) Maintaining neutrality.

(d) **Legal and ethical issues surrounding confidentiality.**

[*(d)*] **(e)** Identifying and reframing interests and issues.

[*(e)*] **(f)** Establishing trust and respect.

[*(f)*] **(g)** Using techniques to achieve agreement and settlement, including creating a climate conducive to resolution, identifying options, reaching consensus, and working toward agreement.

[*(g)*] **(h)** Shaping and writing agreements.

[*(h)*] **(i)** Ethical standards for mediator conduct adopted by state and national organizations.

[*12.620*] **12.740** COURT-SYSTEM TRAINING

When court-system training under this section is required, the training shall include, but not be limited to, the following subject areas:

(1) Knowledge of the court system including, but not limited to:

(a) basic legal vocabulary;

(b) how to read a court file; [*and*]

(c) the effect of a mediated agreement on the case including, but not limited to, finality, appeal rights, remedies, and enforceability[.]**;**

(d) **working with interpreters; and**

(e) **obligations under the Americans with Disabilities Act.**

(2) Knowledge of the range of available administrative and other dispute resolution processes.

(3) Knowledge of the process that will be used to resolve the dispute if no agreement is reached, such as judicial or administrative adjudication or arbitration**, including entitlement to jury trial and appeal, where applicable**.

(4) **For mediators working in contexts other than small claims court,** [*W*]**w**orking with represented and unrepresented parties including, but not limited to, all of the following:

(a) The role of litigants' lawyers in the mediation process.

(b) Attorney-client relationships**, including privileges**.

(c) Working with lawyers**, including understanding of Oregon State Bar disciplinary rules**.

(d) Attorney fee issues.

(e) Understanding motions, discovery, and other court rules and procedures.

[*12.630*] **12.750** CONTINUING EDUCATION REQUIREMENTS

When required to comply with continuing education requirements, a listed mediator must attend at least 12 hours of continuing mediation education each year. Continuing education choices shall be made in consultation with the mediation program supervisor. To the extent that the mediator's training prior to being listed does not include the following topics, those topics shall be emphasized in the mediator's continuing education requirements.

(1) The effects of domestic violence on children, and the legal rights of domestic violence victims.

(2) Dynamics of domestic violence and sexual assault.

[*(2)*] **(3)** Gender, [*ethic*] **ethnic**, and cultural diversity.

[*(3)*] **(4)** Divorce adjustment for adults and children.

[*(4)*] **(5)** "The best interest of the child".

[*(5)*] **(6)** Psychopathology.

[*(6)*] **(7)** Crisis intervention with families.

[*(7)*] **(8)** Oregon Child Support Guidelines.

[*(8)*] **(9)** Mediation models, theory, and techniques.

[*(9)*] **(10)** Program administration and service delivery.

[*(10)*] **(11)** Development of parenting plans.

[*(11)*] **(12)** Establishment of visitation schedules.

[*(12)*] **(13)** Practices and procedures of state and local social service agencies.

[*(13)*] **(14)** Safety issues for mediators.

[*(14)*] **(15)** Family Systems Theory.

(16) Changes in family law.

[*12.640*] **12.760** EXPERIENCE REQUIREMENTS

When applicants to become a listed mediator are required to have completed experience requirements at a specific experience level, the requirement is to meet the appropriate following described specific experience level:

(1) Experience level 1–A person meeting this experience level has observed live mediations or participated as a mediator in at least three cases that have been filed in court.

(2) Experience level 2–A person meeting this experience level has observed live mediations or participated as a mediator in domestic relations cases for a period

of at least 30 hours, including at least three actual domestic relations cases involving children.

(3) Experience level 3–A person meeting this experience level has completed one of the following types of experience supervised by a lead trainer **with type 2 qualifications in UTCR 12.700** or supervisor [*who is level 3 qualified*] **with type 1 qualifications** under UTCR [*12.580*] **12.710**:

(a) Participation in at least 20 domestic relations mediation cases supervised by or jointly mediated with a [*domestic relations mediator or level 3 qualified lead trainer*] **supervisor with type 1 qualifications in UTCR 12.710**.

(b) At least two years full-time equivalent mediation experience.

(c) At least two years full-time equivalent of direct therapy or counseling experience with a preferred emphasis on short-term problem solving in a private, public, or private nonprofit agency and having:

(i) participated as a mediator or co-mediator in a total of six actual domestic relations mediations or a total of 60 hours of domestic relations mediation, and

(ii) an understanding of court-connected domestic relations programs.

(d) Been a practicing attorney with at least two years full-time equivalent handling a domestic relations or juvenile caseload and having:

(i) participated as a mediator or co-mediator in a total of six actual domestic relations mediations or a total of 60 hours of domestic relations mediation, and

(ii) an understanding of court-connected domestic relations programs.

(4) Experience level 4–A person meeting this experience level has participated in six financial mediation cases and a total of 40 hours of mediation with supervision by a **type 2** qualified supervisor **in UTCR 12.710**, including four client hours with the supervisor present.

26. **Amend UTCR Form 2.100.4a** to correct spacing and punctuation:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____COUNTY
_____ Division - _____
(court's address and phone number)

Case name:	)	CASE No. _____
_____	)	
Plaintiff Name	)	**UTCR 2.100 AFFIDAVIT,**
v.	)	**REQUEST TO SEGREGATE PROTECTED**
_____	)	**PERSONAL INFORMATION FROM**
1ST Defendant Name	)	**CONCURRENTLY FILED DOCUMENT**

IMPORTANT NOTE TO PERSON COMPLETING THIS AFFIDAVIT: Except as specifically ordered by a court, this affidavit and UTCR form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, *see UTCR 2.100*). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: By this affidavit under UTCR 2.100, I request that the protected personal information in the form attached to this affidavit be segregated from information that the general public can see in the case noted above.

The protected personal information I request to be segregated is as follows:

A. The following is a **general** description of the protected personal information (*example description "my social security number" or "parent's bank account number"*). ***Do not include specific protected personal information here.***	B. The following is the legal authority by which I believe this information may be exempt from public inspection (*cite to statute, rule, case, etc.). Row numbers correspond to those in column A. Add rows in both columns as necessary.*
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____[.] The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.

2. *(Initial to confirm)* _____[.] I have segregated the information described above from another document or form that I am submitting at the same time, (*describe document or form*) _____ , to keep the protected information from being available to the general public. I appropriately noted in that other document the places where information has been provided in the attached information sheet rather than in that document. (*No fee is charged when information is segregated at time of submission.)*

3. I (*initial one)* _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.100 so that the court can inform me of its response to this request.

4. *(Initial to confirm)* _____ I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies as described in UTCR 2.100.

5. *(Initial to confirm, "na" if not applicable)* _____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).

6. *(Initial to confirm)* _____ I have mailed or delivered copies of this request (*not including the attached UTCR Form 2.100.4b and its attachments*) to people required by UTCR 2.080.

I knowingly give the information in this affidavit, the attached information sheet, and any attachments to the information sheet under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.

Date _____ Signature _____
OSB# (*if applicable*) _____ Type or print name _____

For office use:

Request _____ granted OR _____ denied (*state reason*) _____
_____.

Date: _____

TRIAL COURT ADMINISTRATOR

By_____

27. **Amend UTCR Form 2.100.4b** to correct spacing and punctuation:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____COUNTY
_____Division - _____
(court's address and phone number)

Case name:	)	CASE No. _____
_____	)	
Plaintiff Name	)	**UTCR 2.100 SEGREGATED**
v.	)	**INFORMATION SHEET**
	)	
_____	)	
1ST Defendant Name		

ATTENTION COURT STAFF: **Except as your trial court administrator tells you otherwise, this sheet and its attachments are:**

- **to be separated from the attached affidavit, and**
- **NOT to be placed in any court file where they can be seen by the public, and**
- **NOT to be provided to any member of the public to see or copy**.

PLEASE follow UTCR and Judicial Department instructions for protecting information on this form. Ask your trial court administrator if you have questions.

The requestor MUST complete all of the following information:

1. Requestor information:
   Name:
   Address:
   Telephone number:
   Other contact information:
   Relationship to case:

2. Protected personal information that is segregated:

Row number used to identify on affidavit	**General** description of the protected personal information (*same as on affidavit*)	Relates to (*Person's name*)	The following is the specific Protected Personal Information to be segregated (*give the specific fact, i.e. social security number, etc., that is being protected*). This can be a reference to an attachment. **Do not use for contact information** (*addresses, telephone numbers, employer identification, and similar information that can be used to contact someone*) unless specifically ordered by a court. The type of information that can be protected by this form is limited to what is listed in UTCR 2.100. Add rows as necessary.

3. There are attachments to this information sheet: ____ Yes ____ No
   If so, how many pages _____

For Office use:

Form 2.100.4b – UTCR 2.100 SEGREGATED INFORMATION SHEET – UTCR 2.100(4)(b) – page 1 with ____ pages of attachments.
(Revised 8-1-04)

28. **Amend UTCR Form 2.100.8** to correct spacing and punctuation:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____COUNTY
_____Division - _____
(court's address and phone number)

Case name:	)	CASE No. _____
_____	)	
Plaintiff Name	)	**REQUEST TO INSPECT UTCR 2.100**
v.	)	**SEGREGATED INFORMATION SHEET**
_____	)	
1st Defendant Name		

By this form, I request to see or obtain a copy of part or all of a UTCR 2.100 Segregated Information Sheet (SIS) that is being withheld from the public. I have completed this form to provide the information the court requires of me to make this request. I understand the court will not automatically grant this request but will use applicable law to decide whether I have a right to see or copy the information I request. I understand this request will be a public record whether or not granted.

1. Information about me:

a. My Name: _____
b. My Address: _____
c. My Telephone number: _____
d. Other contact information for me: _____
e. I believe I have a legal right to see the information because (*explain reasons*): _____
_____

2. To identify the UTCR 2.100 Segregated Information Sheet (SIS) I am requesting:

a. Name of person who submitted affidavit for SIS: _____
b. Date affidavit submitted: _____
c. Description of document from which information is segregated: _____
d. General description(s) of protected personal information I am requesting to see (*use same general description as on affidavit in file*): _____
e. Row number(s) of description of this information on affidavit: _____
f. Name of person to whom information relates (*if known*): _____
g. The affidavit for the SIS shows that the SIS includes other information I am not requesting to inspect or copy (*check one)* ____ Yes OR ____ No. *(If Yes, this other information will be redacted)*

3. Confirming additional requirements completed:

a. *(Initial to confirm, "na" if not applicable)* _____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).

b. *(Initial to confirm)* _____ I have mailed or delivered copies of this request to the following people required by UTCR 2.080, *(List names)* _____ .

c. *(Initial to confirm)* _____ I understand that I will be responsible for any costs resulting from the court responding to this request except those costs for which I have obtained a waiver, and will advance money to cover those costs if requested by the court[*s*].

I knowingly give the information in this request under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.

Date _____ Signature _____
OSB# (*if applicable*) _____ Type or print name _____

For Office use:

Request to inspect ____ granted OR ____ denied (*state reason*) _____
Related comments: _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

29. Amend **UTCR Form 5.080**, as follows:

A. Delete sections 3 and 4 of the form:

[*3. The following charges are reasonable and necessary and are not included in the hourly rates set forth above:*

(a)	*Postage:*	*$_____*	
(b)	*Photocopies:*	*$_____*	*(_____¢/page)*
(c)	*Long Distance Telephone Charges:*	*$_____*	
(d)	*Mileage:*	*$_____*	*(_____¢/mile)*
(e)	*Computer Research:*	*$_____*	
(f)	*Investigator:*	*$_____*	*($_____/hour)*
(g)	*_____:*	*$_____*	

4. The Court should consider the factors checked below in determining a reasonable attorney fee award, as explained more fully in Exhibit(s) ___ attached:

___ the novelty and difficulty of the questions involved;
___ skills requisite to perform the legal service properly;
___ the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
___ fees customarily charged in the locality for similar legal services;
___ the amount involved and the results obtained;
___ the time limitations imposed by the client or by the circumstances;
___ the nature and length of the professional relationship with the client;
___ the experience, reputation and ability of the lawyer(s) performing the services; and
___ whether the fee is fixed or contingent.]

B. Add new sections 3 and 4 to the form:

3. Plaintiff/Respondent is entitled to the recovery of $_____ for costs as authorized by _____ [cite ORCP 68A(2) and/or other authority]. As explained in Exhibit ____, such costs are billed directly to the client and are not overhead expenses already reflected in the hourly rate or fee.

4. Exhibit ____ sets forth the specific basis for the award and amount of fees as required by ORS 20.075.

C. Change revision date at the bottom of each page of the form:

(Rev. [*8-1-01*] **8-1-04**)

30. Amend **UTCR Form 8.010.5**, as follows:

A. Amendments to page 1:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of [*the Dissolution of Marriage/Separation of*]:	)	
	)	
_____,	)	Circuit Court No. _____
Petitioner,	)	
	)	Uniform Support Affidavit of**:** [*Petitioner/*
AND	)	*Respondent (Child/Spousal Support Case)*]
	)	**❑ Petitioner**
_____,	)	**❑ Respondent ❑ Co-petitioner**
Respondent.	)	**(Child or Spousal Support Case)**

This form is a SWORN AFFIDAVIT (under oath) required for support determinations. It must be signed before a notary public, *[maybe made available to the other party, and may be filed in court. The form consists of this part, on pages 1 through 4, and any attachments requested on those pages. If either party seeks spousal support or any change from the uniform child support guidelines, you must also complete the following and the attachments requested therein and submit all of them with this form: Schedule 1--Monthly Expenses and Rebutting Factors Required*] **filed with the court, and served upon the other party (or their attorney). If no party seeks spousal support or a deviation (change) from the uniform child support guidelines, you need only complete the affidavit (pages 1 through 6) and any attachments requested on those pages. If any party seeks either spousal support or any deviation (change) from the uniform child support guidelines, you must complete not only the Affidavit (pages 1 through 6) and any attachments requested on those pages, but also the attached "Schedule 1- Monthly Expenses and Rebutting Factors Required."** In addition, certain documentation MUST be attached as indicated on page 2.

STATE OF OREGON)
) ss.
County of _____)

I, _____, being first duly sworn under oath, depose and say that I am the in the above-entitled matter and that the following are true to the best of my knowledge and belief:

* * * * *

B. Amendments to the bottom of each page:

Page 1 - FORM 8.010.5 – Uniform Support Affidavit of Petitioner ❑ Respondent ❑ **Co-petitioner ❑** – UTCR 8.010(5), 8.010(7), 8.040(3), 8.040(4), 8.050(1), 8.050(3)
(Revised [*8-1-02*] **8-1-04**)

Page 2 - FORM 8.010.5 – Uniform Support Affidavit of Petitioner ❑ Respondent ❑ **Co-petitioner ❑** – UTCR 8.010(5), 8.010(7), 8.040(3), 8.040(4), 8.050(1), 8.050(3)
(Revised [*8-1-02*] **8-1-04**)

Page 3 - FORM 8.010.5 – Uniform Support Affidavit of Petitioner ❑ Respondent ❑ **Co-petitioner ❑** – UTCR 8.010(5), 8.010(7), 8.040(3), 8.040(4), 8.050(1), 8.050(3)
(Revised [*8-1-02*] **8-1-04**)

Page 4 - FORM 8.010.5 – Uniform Support Affidavit of Petitioner ❑ Respondent ❑ **Co-petitioner ❑** – UTCR 8.010(5), 8.010(7), 8.040(3), 8.040(4), 8.050(1), 8.050(3)
(Revised [*8-1-02*] **8-1-04**)

Page [*1*] **5** - FORM 8.010.5 – Schedule 1/Uniform Support Affidavit of Petitioner ❑ Respondent ❑ **Co-petitioner ❑** – UTCR 8.010(5), 8.010(7), 8.040(3), 8.040(4), 8.050(1), 8.050(3)
(Revised [*8-1-02*] **8-1-04**)

Page [*2*] **6** - FORM 8.010.5 – Schedule 1/Uniform Support Affidavit of Petitioner ❑ Respondent ❑ **Co-petitioner ❑** – UTCR 8.010(5), 8.010(7), 8.040(3), 8.040(4), 8.050(1), 8.050(3)
(Revised [*8-1-02*] **8-1-04**)

31. Amend **UTCR Form 8.080.1**, as follows:

[Attach to Summons per [*Section 2(5), Chapter 414, Oregon Laws 2003 ('03 SB 801)*] **ORS 107.093(5)**]

NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS

TO THE PETITIONER AND RESPONDENT:

REVIEW THIS NOTICE CAREFULLY. **BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW**. SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.

PURSUANT TO [*section 2, chapter 414, Oregon Laws 2003,*] **ORS 107.093** and UTCR 8.080, Petitioner and Respondent are restrained from:

1. Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.
2. Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.
3. Transferring, encumbering, concealing, or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life. This paragraph (3) does not apply to payment by either party of:
    a. Attorney fees in this action;
    b. Real estate and income taxes;
    c. Mental health therapy expenses for either party or a minor child of the parties; or
    d. Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.
4. Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. The paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms.

32. New **UTCR Form 12.540.1a**, as follows:

Court-Connected Mediator Contact Information for Court Use and Public Dissemination

UTCR Form: 12.540.1a

Name of Mediator:	
Business or Program Name (if applicable):	
Business Contact Information Below (as applicable)	
Mailing Address:	
Telephone Number:	**Fax Number:**
E-Mail Address:	

Page 1 - FORM 12.540.1a - COURT-CONNECTED MEDIATOR CONTACT INFORMATION FOR COURT USE AND PUBLIC DISSEMINATION - UTCR 12.540 (1) (a)

(8-1-04)

33. New **UTCR Form 12.540.2**, as follows:

Court-Connected Mediator
Consumer Information for Public Dissemination

UTCR Form: 12.540.2

Name of Mediator:	
Business or Program Name (if applicable):	
Business Contact Information Below (as applicable)	
Mailing Address:	
Telephone Number:	**Fax Number:**
E-Mail Address:	

Description of formal education: _____
_____
_____

Description of mediation training: _____
_____
_____
_____

Description of mediation experience: _____
_____
_____
_____

Relevant organizations with which the mediator is affiliated: _____
_____
_____

Page 1 - FORM 12.540.2 - COURT-CONNECTED MEDIATOR CONSUMER INFORMATION FOR PUBLIC DISSEMINATION - UTCR 12.540 (2)

(8-1-04)

Description of other relevant experience: _____

_____

_____

_____

Description of fees (if applicable): _____

_____

_____

_____

Statement of case preference (please check all case types for which you are qualified, and will accept referrals):

Categories of Cases	YES	NO
Business		
Domestic Relations		
Employment		
Small Claims		
Landlord-Tenant		
Probate		
Torts		
Other (specify)		

Page 2 - FORM 12.540.2 - COURT-CONNECTED MEDIATOR CONSUMER INFORMATION FOR PUBLIC DISSEMINATION - UTCR 12.540 (2)

(8-1-04)

2004 UNIFORM TRIAL COURT RULES

CONTENTS

Chapter 1 Page
General Provisions
1.010 SCOPE OF THESE RULES 1.1
1.020 AMENDMENT OF THESE RULES; EFFECTIVE DATE 1.1
1.030 TRANSITION TO THESE RULES 1.1
1.040 LOCAL RULES OF COURT NOT PERMITTED; EXCEPTION 1.2
1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES 1.2
1.060 NUMBERING OF COURT RULES 1.3
1.070 CITATION OF COURT RULES 1.4
1.080 FORMAT AND LOCATION OF COURT RULES 1.4
1.090 SANCTIONS 1.5
1.100 RELIEF FROM APPLICATION OF COURT RULES 1.5
1.110 DEFINITIONS 1.5
1.120 DISBURSING MONIES; MOTION AND ORDER 1.5
1.130 TIME COMPUTATION 1.6
1.140 REQUESTS FOR EXTENDED RETENTION OF COURT RECORDS 1.6
1.150 SLR TO ANNOUNCE HOURS OF COURT OPERATION 1.9
1.160 FILING OF DOCUMENTS IN COURTS; LOCAL SLR 1.9
1.170 COURT WEBSITES 1.9
1.200 INFORMATION ON FREE OR LOW-COST LOCAL LEGAL SERVICES 1.9

Chapter 2
Standards for Pleadings and Documents
2.010 FORM OF DOCUMENTS 2.1
2.020 CERTIFICATE OF SERVICE 2.4
2.030 MATTERS UNDER ADVISEMENT MORE THAN 60 DAYS 2.4
2.050 ATTORNEY FEES ON WRITTEN INSTRUMENTS 2.4
2.060 ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT 2.5
2.070 NOTICE OF ARBITRATION IN PLEADINGS 2.5
2.080 COMMUNICATION WITH COURT 2.5
2.090 FILINGS FOR CONSOLIDATED CASES 2.5
2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING 2.5

Chapter 3
Decorum In Proceedings
3.010 PROPER APPAREL 3.1
3.020 PROPER APPAREL FOR INCARCERATED WITNESSES AND DEFENDANTS APPEARING IN CRIMINAL PROCEEDINGS 3.1
3.030 MANNER OF ADDRESS 3.1
3.040 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES . . 3.1
3.050 PROPER POSITION OF PARTIES BEFORE COURT 3.1
3.060 DEFENDANT IN CRIMINAL TRIAL 3.2
3.070 PERSONS PERMITTED WITHIN BAR OF COURT 3.2
3.080 PROCEDURE FOR SWEARING WITNESSES 3.2
3.090 UNDUE RECOGNITION OR FAMILIARITY BY JUDGE 3.2

Chapter 3 Page

Decorum In Proceedings (continued)

3.100 PROPER USE OF COURT CHAMBERS 3.2
3.110 CONFERENCES IN CHAMBERS 3.2
3.120 COMMUNICATION WITH JURORS 3.3
3.130 DISCLOSURE OF RELATED MATTERS WHEN SEEKING COURT ORDER . . 3.3
3.140 RESIGNATION OF ATTORNEYS 3.3
3.150 NO REACTION TO JURY VERDICT 3.4
3.160 EXPLANATION OF PROCEEDINGS TO JURORS 3.4
3.170 ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*) 3.4
3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS 3.6

Chapter 4

Proceedings in Criminal Cases

4.010 TIME FOR FILING PRETRIAL MOTIONS IN CRIMINAL CASES 4.1
4.030 PROCEDURE FOR ORDER OF TRANSPORTATION 4.1
4.040 COMMUNICATIONS WITH VICTIMS AND WITNESSES IN CRIMINAL CASES 4.1
4.050 ORAL ARGUMENT ON MOTIONS IN CRIMINAL CASES 4.1
4.060 MOTION TO SUPPRESS EVIDENCE 4.2
4.070 DISMISSAL OF CHARGES FOLLOWING SUCCESSFUL COMPLETION OF DIVERSION 4.3

Chapter 5

Proceedings in Civil Cases

5.010 CONFERRING ON MOTIONS UNDER ORCP 21, 23 AND 36-46 . . . . . 5.1
5.020 POINTS AND AUTHORITIES TO ACCOMPANY MOTION AND OTHER REQUIREMENTS 5.1
5.030 OPPOSING PARTY'S RESPONSE; TIME FOR FILING RESPONSE AND REPLY 5.1
5.040 MOTIONS TO BE DETERMINED BY THE PRESIDING JUDGE OR DESIGNEE 5.1
5.050 ORAL ARGUMENT ON MOTIONS IN CIVIL CASES 5.2
5.060 STIPULATED AND *EX PARTE* MATTERS 5.2
5.080 STATEMENT FOR ATTORNEY FEES 5.2
5.090 NOTICE TO COURT IN WATER RIGHTS CASES 5.3
5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS 5.3
5.110 CLASS ACTIONS 5.3

Chapter 6

Trials

6.010 CONFERENCES IN CIVIL PROCEEDINGS 6.1
6.020 COURT NOTIFICATION ON SETTLEMENT OR CHANGE OF PLEA 6.1
6.030 POSTPONEMENT OF TRIAL 6.2
6.040 RESOLVING SCHEDULING CONFLICTS 6.3
6.050 SUBMISSION OF TRIAL MEMORANDA 6.3
6.060 PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS 6.3
6.070 JURY INSTRUCTIONS 6.4
6.080 MARKING EXHIBITS 6.4
6.090 PEREMPTORY CHALLENGES IN CIVIL CASES 6.5
6.100 EXAMINATION OF WITNESSES 6.5
6.110 SPECIAL AND GENERAL FINDINGS IN SEPARATE DOCUMENT 6.5

Chapter 6 Page

Trials (continued)

6.120 DISPOSITION OF EXHIBITS 6.5
6.130 WAIVER OF JURY TRIAL IN CIVIL CASES 6.6
6.140 PROCEDURES FOR USE OF HAZARDOUS SUBSTANCE 6.6
6.150 WEAPONS AND DANGEROUS INSTRUMENTS IN THE COURTROOM 6.7
6.160 CONTROLLED SUBSTANCES IN THE COURTROOM 6.8
6.170 JUROR HANDLING OF CONTROLLED, HAZARDOUS, OR INFECTIOUS SUBSTANCES AND CHEMICALS 6.8
6.180 WEAPONS AND HAZARDOUS SUBSTANCES IN COURT FACILITIES 6.8
6.200 PRETRIAL SETTLEMENT CONFERENCES 6.8

Chapter 7

Case Management and Calendaring

7.010 PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES 7.1
7.020 SETTING TRIAL DATE IN CIVIL CASES 7.2
7.030 COMPLEX CASES 7.3
7.040 NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS 7.3
7.050 EFFECT OF BANKRUPTCY PETITION 7.3
7.060 AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATION 7.4
7.070 FOREIGN LANGUAGE INTERPRETERS 7.5
7.080 INTERPRETERS' REQUESTS FOR INFORMATION 7.5

Chapter 8

Domestic Relations Proceedings

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT 8.1
8.020 SUPPORT ORDERS 8.2
8.040 PREJUDGMENT RELIEF UNDER ORS 107.095(1) 8.2
8.050 JUDGMENT MODIFICATION PROCEEDINGS 8.3
8.060 FILING DCS WORK SHEETS REQUIRED IN CHILD SUPPORT CASES 8.4
8.070 STANDARDIZED PARENTING PLANS 8.4
8.080 STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS 8.4
8.090 CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS 8.5
8.100 PROCEDURE FOR WAIVER OF $25 MARRIAGE FEE UNDER ORS 106.102 . 8.5

Chapter 9

Probate and Adoption Proceedings

9.010 MAILING PROBATE MATERIALS TO THE COURT 9.1
9.020 APPROVAL OF BONDS 9.1
9.030 ADDRESSES AND TELEPHONE NUMBERS REQUIRED 9.1
9.040 SETTLEMENT OF PERSONAL INJURY CLAIMS IN PROBATE CASES 9.1
9.050 RESTRICTED ACCOUNTS 9.1
9.060 FEES IN ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS 9.2
9.070 SUMMARY DETERMINATION OF CLAIM UNDER ORS 115.145(1)(a) AND 115.165 . . . . . 9.2
9.080 ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS AND NOTICE OF FREE AND LOW-COST LEGAL SERVICES 9.2
9.160 FORM OF ACCOUNTINGS 9.2

Chapter 9 Page

Probate and Adoption Proceedings (continued)

9.170 FIDUCIARY DISCLOSURE IN ACCOUNTINGS 9.5
9.180 VOUCHERS AND DEPOSITORY STATEMENTS 9.5
9.190 RETURN OF VOUCHERS AND DEPOSITORY STATEMENTS 9.6
9.300 APPOINTMENT OF GUARDIANS IN ADOPTIONS 9.6
9.310 PRESENTATION OF ADOPTION DECREES 9.6
9.320 CHANGE OF NAME AND CHANGE OF SEX PROCEEDINGS 9.6

Chapter 10

Proceedings Relating to Vehicle Laws and Driving Privilege Suspensions

10.010 PETITION FOR REVIEW OF ORDER OF SUSPENSION UNDER ORS 813.410 . . . . . 10.1
10.020 PREPARATION AND DELIVERY OF THE RECORD ON REVIEW 10.1
10.030 FORM OF TRANSCRIPT OF ORAL PROCEEDINGS 10.1
10.040 SETTLEMENT OF THE RECORD 10.2
10.050 PETITIONER'S MEMORANDUM OF POINTS AND AUTHORITIES 10.2
10.060 OPPOSING PARTY'S RESPONSE 10.2
10.070 SETTING HEARING DATE 10.2
10.080 ORAL ARGUMENT AT HEARING 10.3
10.090 ENTRY OF JUDGMENT 10.3

Chapter 11

Juvenile Court Proceedings

11.010 APPLICATION FOR COURT APPOINTED COUNSEL 11.1
11.020 COMPENSATION AND APPOINTMENT OF COURT APPOINTED COUNSEL 11.1
11.040 ADMISSION OR STIPULATION TO JURISDICTION; DISMISSAL 11.1
11.050 TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING 11.1
11.060 PREDISPOSITION INVESTIGATION 11.1
11.070 TEMPORARY SUSPENSION OF VISITATION RIGHTS WHEN TERMINATION PETITION FILED 11.2

Chapter 12

Mediation

12.500 APPLICABILITY 12.1
12.510 DEFINITIONS 12.1
12.520 DETERMINING AUTHORITY, DETERMINING MEDIATOR QUALIFICATIONS, OTHER RESPONSIBILITIES AND AUTHORITY 12.3
12.530 MEDIATOR STANDARDS OF CONDUCT 12.4
12.540 PROVIDING AND MAINTAINING PUBLICLY AVAILABLE INFORMATION . . . 12.5
12.600 QUALIFICATION AS LISTED GENERAL CIVIL MEDIATOR, ONGOING OBLIGATIONS 12.6
12.610 QUALIFICATION AS A LISTED DOMESTIC RELATIONS CUSTODY AND PARENTING MEDIATOR, ONGOING OBLIGATIONS 12.6
12.620 QUALIFICATION AS A LISTED DOMESTIC RELATIONS FINANCIAL MEDIATOR, ONGOING OBLIGATIONS 12.8
12.700 LEAD TRAINERS. QUALIFICATIONS, REQUIREMENTS 12.9
12.710 QUALIFIED SUPERVISORS. QUALIFICATIONS, REQUIREMENTS 12.10
12.720 INDEPENDENT QUALIFICATION REVIEW 12.10
12.730 BASIC MEDIATION CURRICULUM 12.11

Chapter 12 Page

Mediation (continued)

12.740 COURT-SYSTEM TRAINING 12.11
12.750 CONTINUING EDUCATION REQUIREMENTS 12.12
12.760 EXPERIENCE REQUIREMENTS 12.13

Chapter 13
Arbitration

13.010 APPLICATION OF CHAPTER 13.1
13.020 MANDATORY ARBITRATION PROGRAM 13.1
13.030 ARBITRATION COMMISSION 13.1
13.040 RELATIONSHIP TO COURT JURISDICTION AND APPLICABLE RULES 13.1
13.050 ARBITRATION WHEN CASE ALREADY SET FOR TRIAL 13.2
13.060 PLEADINGS IN CASES SUBJECT OR NOT SUBJECT TO ARBITRATION . . 13.2
13.070 EXEMPTION FROM ARBITRATION 13.2
13.080 ASSIGNMENT TO ARBITRATOR 13.3
13.090 ARBITRATORS 13.3
13.100 AUTHORITY OF ARBITRATORS 13.3
13.110 ARBITRATOR'S OATH 13.4
13.120 COMPENSATION OF ARBITRATOR 13.4
13.130 RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS 13.4
13.140 DISCOVERY 13.5
13.150 SUBPOENA 13.5
13.160 SCHEDULING OF THE HEARING 13.5
13.170 PREHEARING STATEMENT OF PROOF 13.5
13.180 CONDUCT OF HEARING 13.6
13.190 CERTAIN DOCUMENTS ADMISSIBLE 13.6
13.200 ABSENCE OF PARTY AT HEARING 13.7
13.210 FORM AND CONTENT OF AWARD 13.7
13.220 FILING OF AN AWARD 13.8
13.240 JUDGMENT ON AWARD 13.9
13.250 REQUEST FOR TRIAL *DE NOVO* 13.9
13.260 PROCEDURE AT TRIAL *DE NOVO* 13.10
13.280 TRIAL DOCKET 13.10
13.300 PRETRIAL SETTLEMENT CONFERENCES AND ARBITRATION 13.10

Chapter 15
Small Claims

15.010 Small Claims Forms 15.1

Chapter 17
Local Parking Violations

17.010 Electronic Filing of Parking Complaints 17.1

Chapter 19
Contempt Proceedings

19.010 SCOPE, CONSTRUCTION, APPLICATION 19.1
19.020 INITIATING INSTRUMENT REQUIREMENTS 19.1
19.030 ALLOWING REMEDIAL SANCTIONS 19.1
19.040 APPLICABILITY OF ORCP AND OTHER UTCR 19.2
19.050 EXCEPTIONS TO AND LIMITATIONS ON APPLICABLE ORCP IN REMEDIAL PROCEEDINGS 19.2

Appendix of Forms

Form 2.010.7 – CERTIFICATE OF DOCUMENT PREPARATION . . . . . App. 1
Form 2.100.4a – AFFIDAVIT, REQUEST TO SEGREGATE PROTECTED PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENT . . . . App. 2
Form 2.100.4b – UTCR 2.100 SEGREGATED INFORMATION SHEET . . . . . App. 4
Form 2.100.8 – REQUEST TO INSPECT UTCR 2.100 SEGREGATED INFORMATION SHEET . . . . . App. 5
Form 5.080 – STATEMENT FOR ATTORNEY FEES . . . . . App. 7
Form 8.010.5 – UNIFORM SUPPORT AFFIDAVIT . . . . . App. 9
Form 8.080.1 – NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS . . . . . App. 15
Form 8.080.2 – REQUEST FOR HEARING RE: STATUTORY RESTRAINING ORDER . . . . . App. 16
Form 8.090 – CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS . . . . . App. 18
Form 8.100.1a – FORM TO REQUEST WAIVER OF FEE (ORS 106.120) WHEN MARRIAGE HANDLED BY A COURT . . . . . App. 20
Form 9.160 – UTCR 9.160 ACCOUNTING FORM . . . . . App. 21
Form 10.010.a – PETITION FOR JUDICIAL REVIEW OF DMV ORDER . . . . . App. 26
Form 10.010.b – CERTIFICATE OF SERVICE . . . . . App. 28
Form 12.540.1a – COURT-CONNECTED MEDIATOR CONTACT INFORMATION FOR COURT USE AND PUBLIC DISSEMINATION . . . . . App. 29
Form 12.540.2 – COURT-CONNECTED MEDIATOR CONSUMER INFORMATION FOR PUBLIC DISSEMINATION . . . . . App. 30
Form 15.010.1a – CLAIM AND NOTICE OF CLAIM . . . . . App. 32
Form 15.010.1b – REQUEST FOR DEFAULT JUDGMENT; DEFENDANT STATUS AFFIDAVIT . . . . . App. 34
Form 15.010.1c – REQUEST FOR JUDGMENT; NONCOMPLIANCE AFFIDAVIT . . . App. 35
Form 15.010.1d – SMALL CLAIMS JUDGMENT; MONEY AWARD . . . . . App. 36