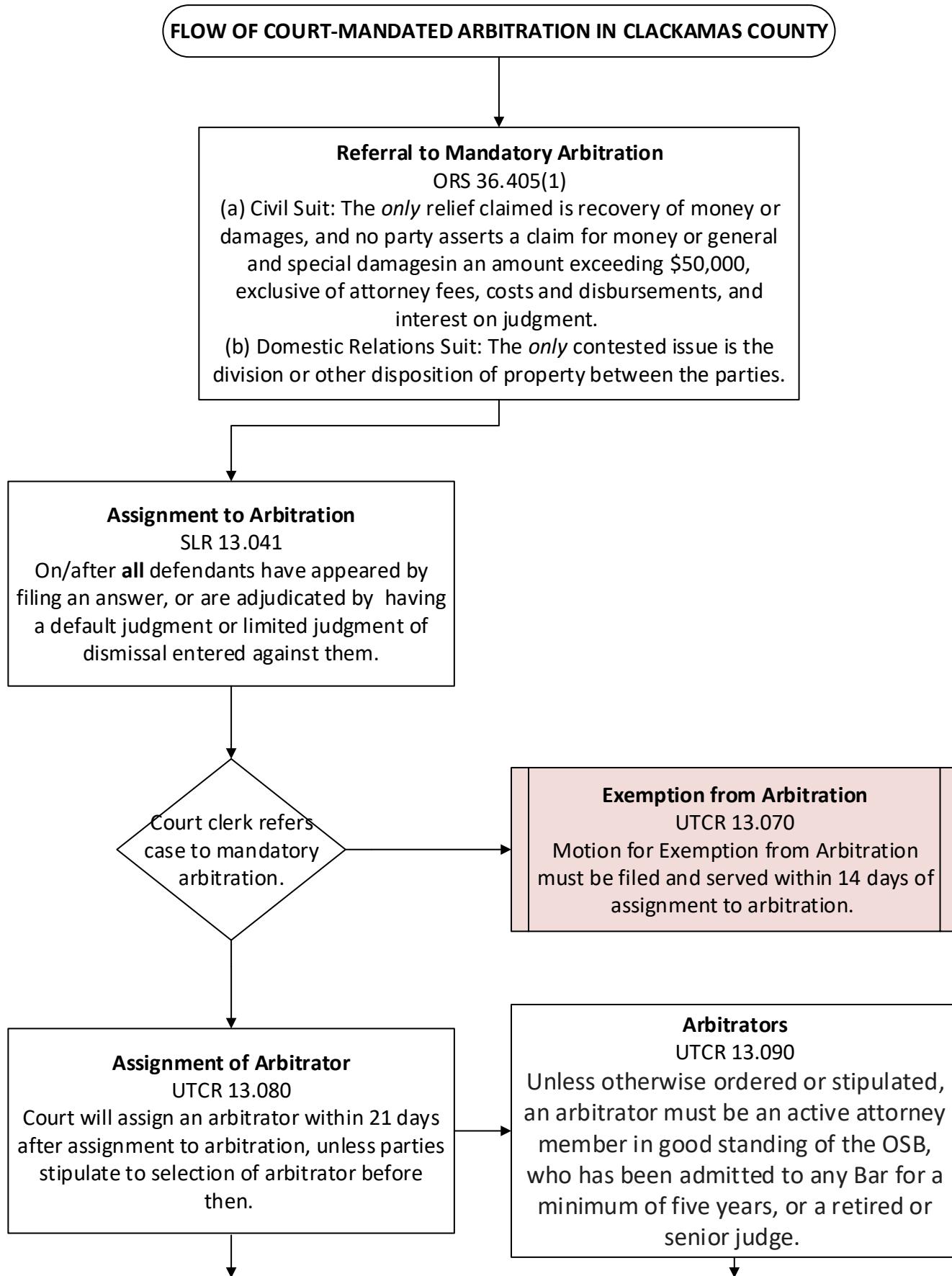


FLOW OF COURT-MANDATED ARBITRATION IN CLACKAMAS COUNTY



Compensation of Arbitrator

SLR 13.121

Within 14 days of the appointment of the arbitrator, each party must tender to the arbitrator the sum of at least \$500 as preliminary payment, to be credited against the maximum total arbitration fee, unless a party has secured a fee waiver or deferral, in which case the party must submit a copy of the order waiving or deferring arbitration fees to the arbitrator.

Scheduling the Arbitration Hearing

UTCR 13.160(3) & SLR 13.131(1)

Arbitration hearing must be scheduled to take place not later than 91 days from date of assignment of the case to the arbitrator. All other requirements of UTCR 13.160(3) and (4) apply to scheduling, postponement, or continuance of the hearing.

Removal from Arbitration

SLR 13.131(2)

Case will be removed from arbitration if hearing is not scheduled within 180 days from assignment to arbitration, unless a party or the arbitrator files Motion, Declaration, and Order to Continue Arbitration with the court.

Scheduling the Arbitration Hearing

SLR 13.131(1)

Any arbitration hearings scheduled to be held less than sixty-two (62) calendar days of the date scheduled for trial shall be accompanied by a Motion, Declaration, and Order to Postpone the trial date. The arbitrator may elect to draft the forms or may direct a party to draft and submit the forms to the arbitrator for filing with the court. All requests to postpone a trial date must comply with UTCR 6.030 and SLR 6.031

Notice of Arbitration Hearing

ORS 36.420(1) & SLR 13.161(2)

Arbitrator to notify the court clerk of the time and place for hearing at least 5 days before the hearing. If the arbitration hearing is to be held virtually, the arbitrator shall also furnish a link to the virtual arbitration hearing with the *Notice of Arbitration Hearing*.

Pre-hearing Statement of Proof

UTCR 13.170

At least 14 days prior to the hearing, parties must submit to the arbitrator, and serve to all parties, a pre-hearing statement of proof, listing all exhibits, witnesses, and estimated length of hearing time. Each party must also furnish the arbitrator with copies of pleadings and other documents from the court file which that party deems relevant.

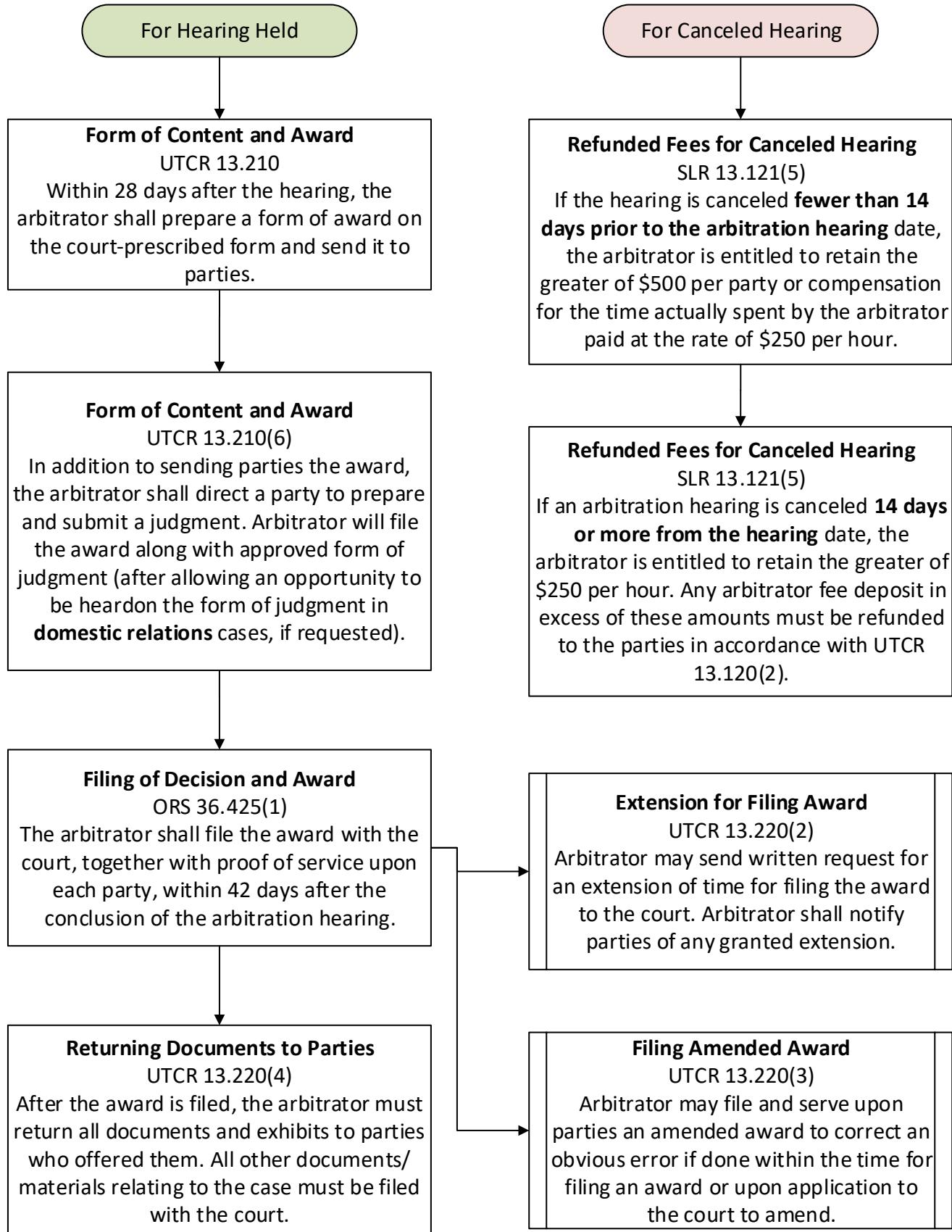
Arbitrator Compensation (full payment due)

SLR 13.121(3)

The balance of the parties' maximum total arbitration fee shall be paid upon the earlier of:
(a) the filing of a motion by any party upon which the arbitrator must rule; or
(b) within 30 days of the first scheduled arbitration hearing date.

Arbitration hearing Held

Arbitration hearing Canceled



Attorney Fees and Costs

ORS 36.425(6)

Within 7 days after filing the decision and award, a party may file with the court and serve on the other parties written exceptions directed solely to the award or denial of attorney fees or costs. Any claim or defense pursuant to ORCP 54E must be filed as an exception. Any party opposing the exceptions must file a written response with the court and serve a copy of the response on the party who filed the exceptions. Filing and service of the response must be made within 7 days after service of the exceptions.

Exception Process

ORS 36.425(6)

A judge of the court shall decide the issue and enter a decision on the award of attorney fees and costs. The filing of exceptions does not constitute an appeal and does not affect the finality of the award in any other way other than as specifically provided in this rule.

No Appeal Filed

No Appeal Filed

ORS 36.425(3)

If no appeal is filed within 20 days, the court shall cause to be prepared and entered a judgment based on the arbitration decision and award. A judgment entered under this section may not be appealed.

SLR 13.141

The arbitrator is responsible for filing the General Judgment document with the court, but may delegate the responsibility to a party. If no judgment is filed within 30 days, the court clerk shall create and submit the General Judgment to the arbitration judge for review and signature.

Appeal and Request for Trial *De Novo* Filed

Appeal and Request for Trial *De Novo*

ORS 36.425(2)(a)

Party against whom relief is granted by arbitration award may file a written *Notice of Appeal and Request for Trial De Novo* with the court. Copy must be served on all other parties. Filing party pays \$159 appeal fee and appropriate trial fee for 6 or 12 person jury trial.

Trial *De Novo*

The appeal will be heard by the court on the date scheduled for trial.

**Arbitration award is made confidential from the court file so it's not accessible to the trial judge.*

END OF ARBITRATION

Reimbursement of Deferred/Waived Arbitration Fees

SLR 13.122(3)

After arbitration concludes, the arbitrator must submit:

Request for Payment of Arbitrator Fee form

Itemization of Time Utilized statement

Copy of **Order Deferring/Waiving Fees** for indigent party

Any **judge's order authorizing additional fees** under SLR

13.121(4)

Extra fees beyond a party's pro rata share of the max

arbitration fee (SLR 13.121(1)) **require a judge's order**

per SLR 13.121(4).