

**FLOW OF COURT-MANDATED ARBITRATION IN CLACKAMAS COUNTY**

**Referral to Mandatory Arbitration**

ORS 36.405(1)

(a) Civil Suit: The *only* relief claimed is recovery of money or damages, and no party asserts a claim for money or general and special damages in an amount exceeding \$50,000, exclusive of attorney fees, costs and disbursements, and interest on judgment.

(b) Domestic Relations Suit: The *only* contested issue is the division or other disposition of property between the parties.

**Assignment to Arbitration**

SLR 13.041

On/after **all** defendants have appeared by filing an answer, or are adjudicated by having a default judgment or limited judgment of dismissal entered against them.

Court clerk refers case to mandatory arbitration.

**Exemption from Arbitration**

UTCRC 13.070

Motion for Exemption from Arbitration must be filed and served within 14 days of assignment to arbitration.

**Assignment of Arbitrator**

UTCRC 13.080

Court will assign an arbitrator within 21 days after assignment to arbitration, unless parties stipulate to selection of arbitrator before then.

**Arbitrators**

UTCRC 13.090

Unless otherwise ordered or stipulated, an arbitrator must be an active attorney member in good standing of the OSB, who has been admitted to any Bar for a minimum of five years, or a retired or senior judge.

### **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.

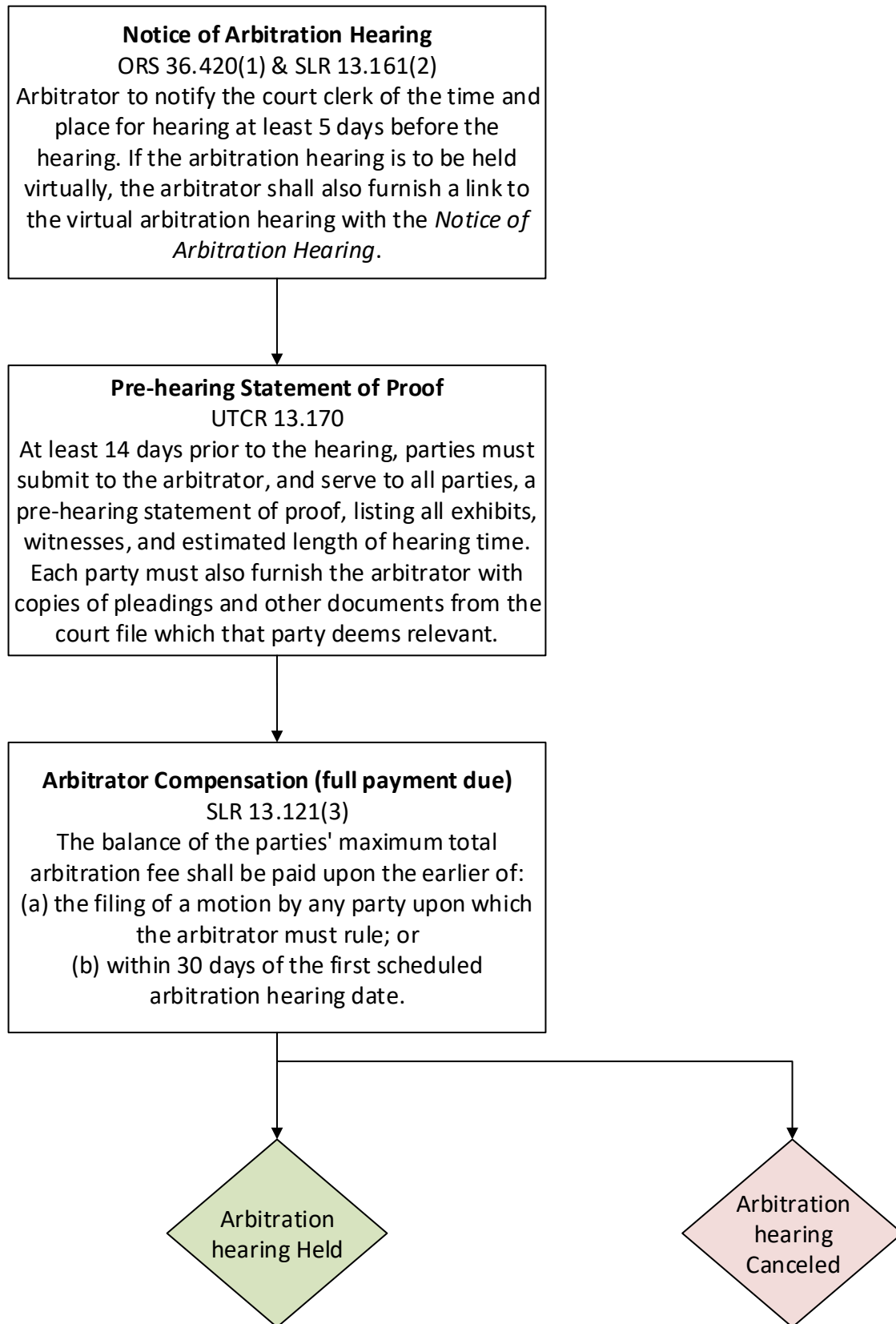


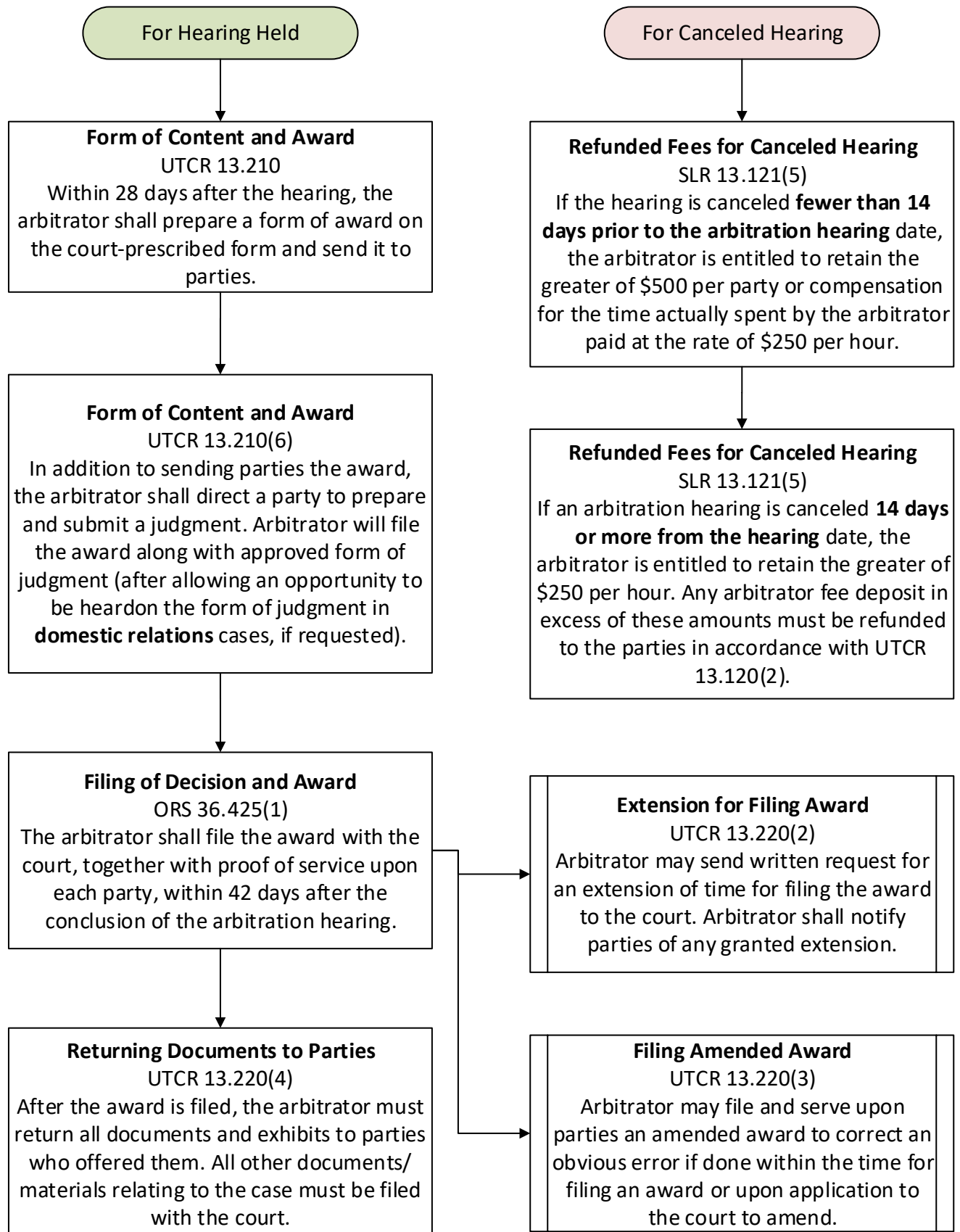
### **Scheduling the Arbitration Hearing**

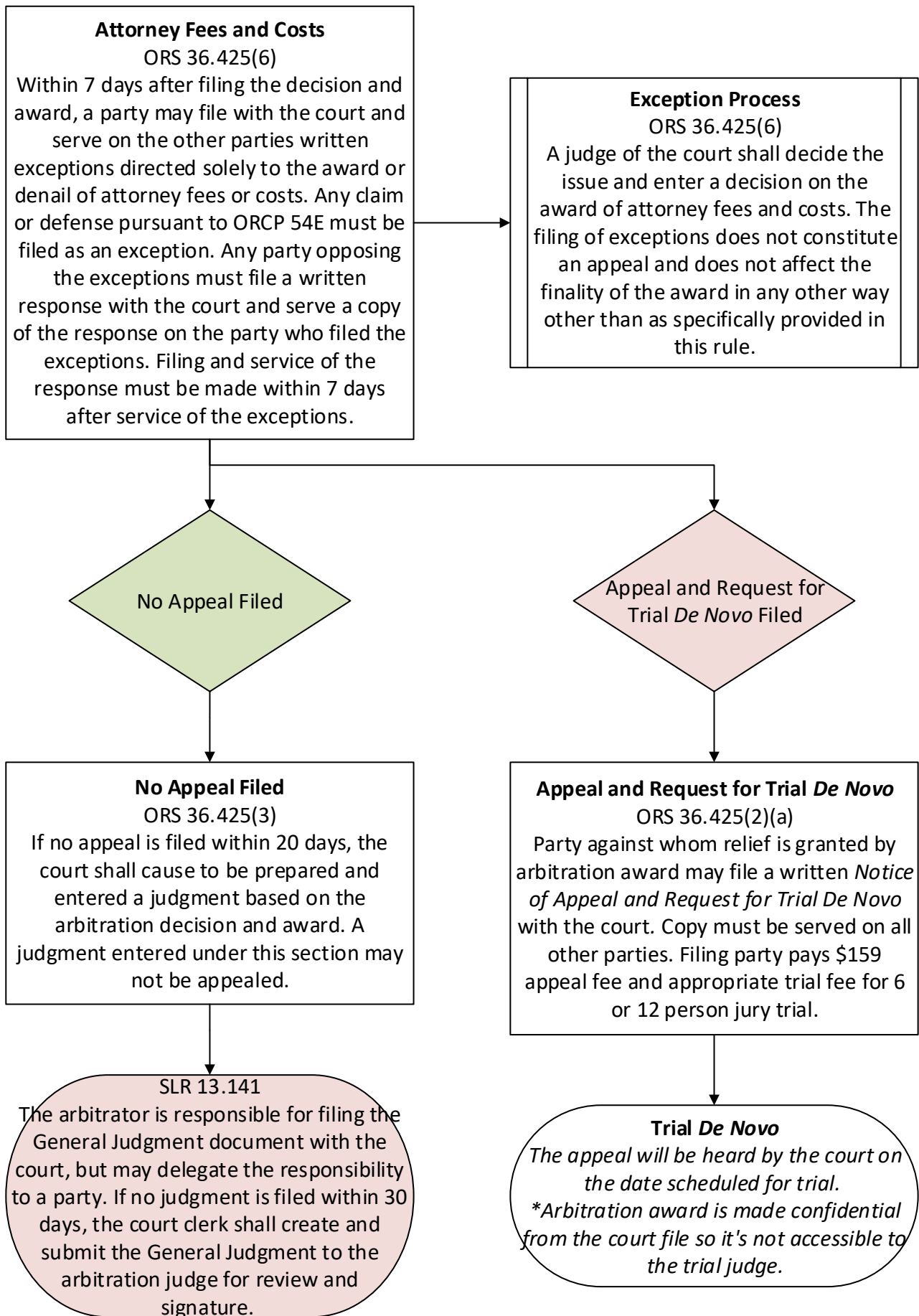
SLR 13.131(1)

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









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).