

CLACKAMAS COUNTY
ARBITRATION COMMISSION

Presents

**Clackamas County
Arbitrator Reference Guide**

February 1, 2026

2026 Clackamas County Arbitration Commission

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Hon. Ann M. Lininger, Presiding Judge

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Clackamas County Arbitrator Reference Guide

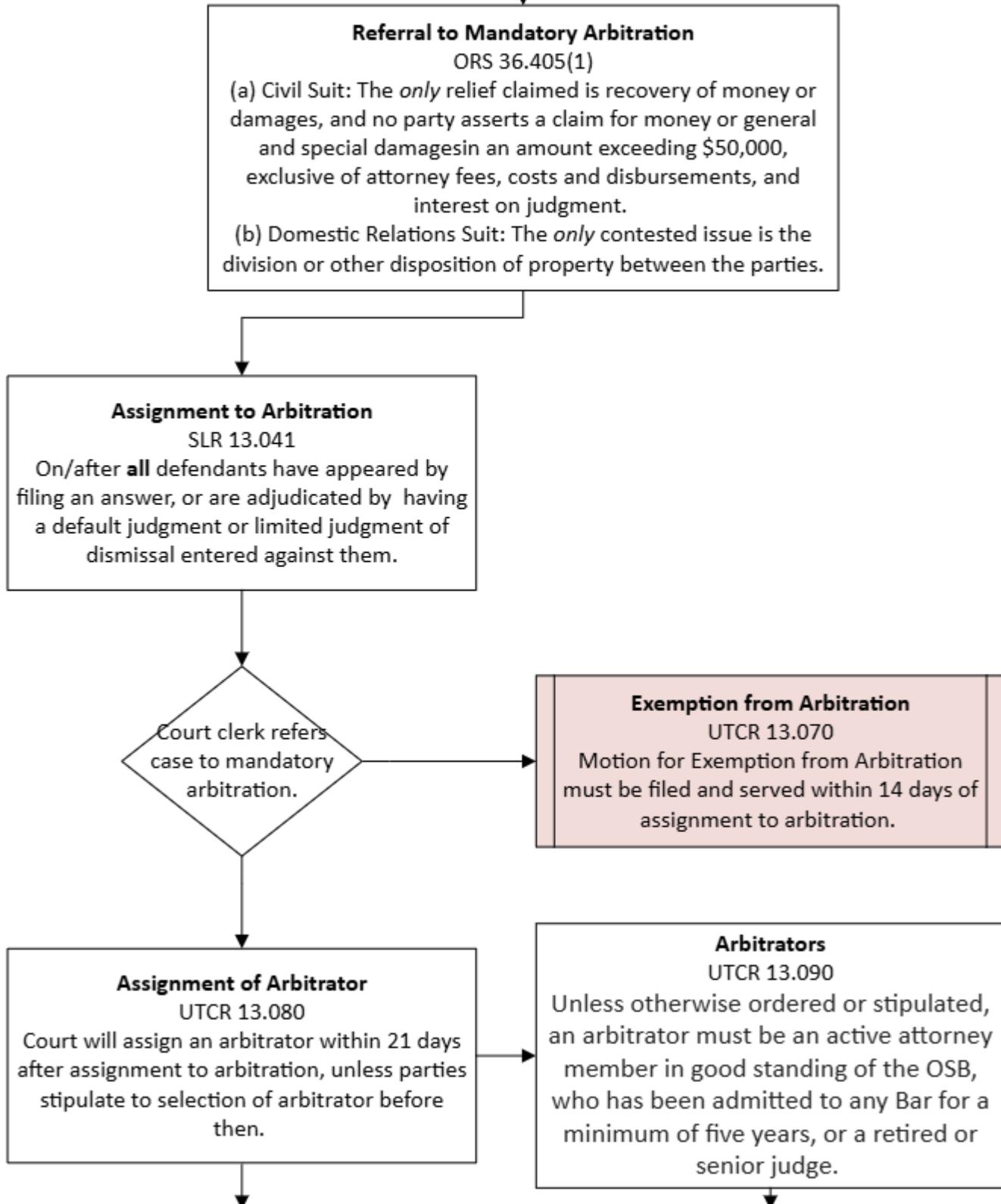
IMPORTANT NOTICE

**ONLINE COURT ARBITRATION FORMS WERE LAST UPDATED
02/01/2025 AND ARE AVAILABLE IN FILLABLE FORMAT ON
THE COURT'S WEBSITE.**

ARBITRATION FLOWCHART	3
ARBITRATOR REFERENCE GUIDE	10
Arbitrator Requirements.....	10
Transferring a Case into Arbitration.....	11
Assignment to Arbitration (Timing).....	12
Arbitrator Selection Process:.....	12
Arbitrator Responsibilities.....	14
Scheduling the Arbitration Hearing.....	14
Arbitrator Compensation:.....	17
Pre-Hearing Matters	20
The Arbitration Hearing	22
Post-Hearing Matters.....	25
RELATED STATUTES AND RULES.....	31
COURT FORMS AND NOTICES.....	32
MISCELLANEOUS FOR ARBITRATORS	39

ARBITRATION FLOWCHART
(begins next page)

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

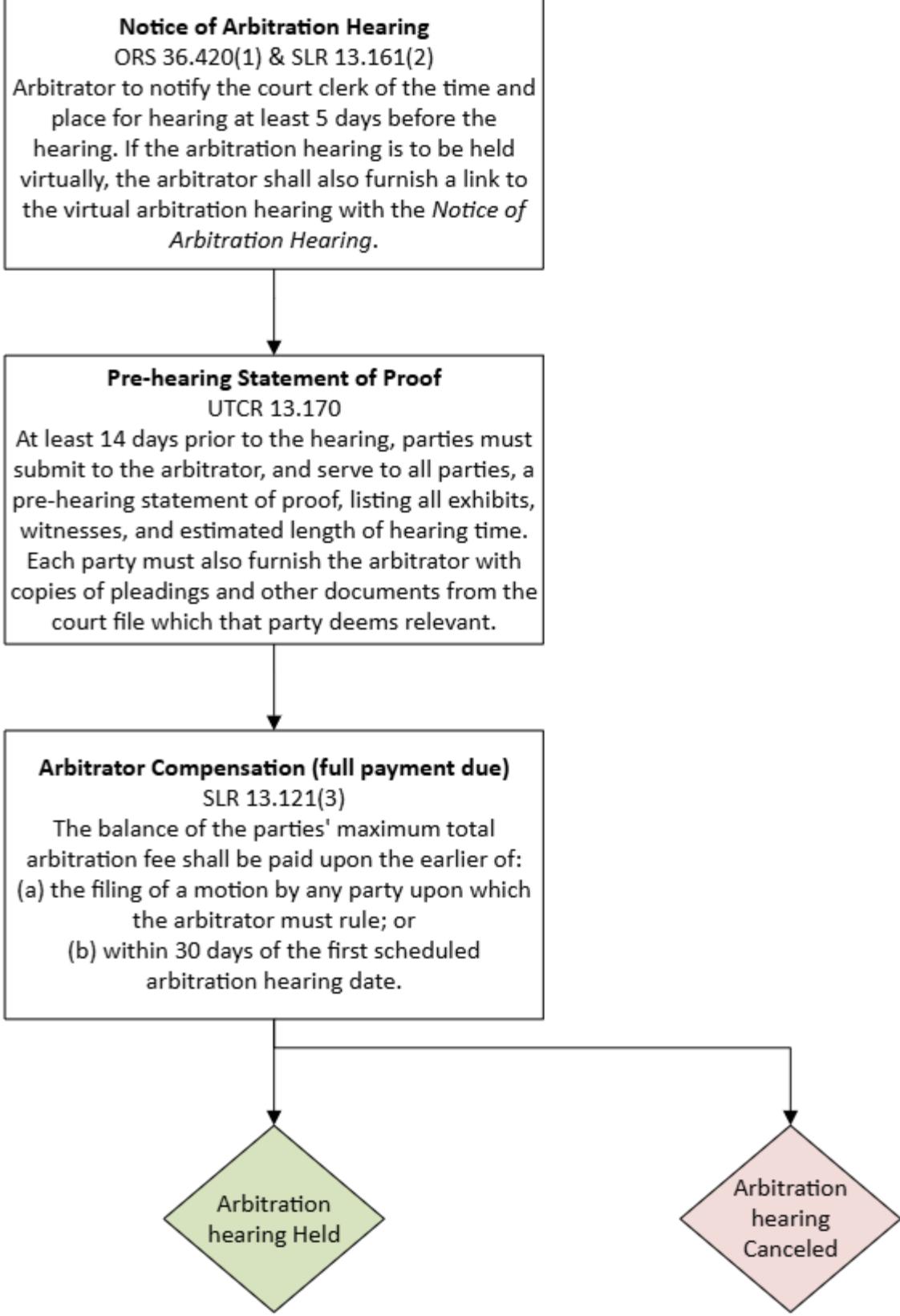
At least 14 days prior to the hearing, parties must submit to the arbitrator, and serve to all parties, a pre-hearing statement of proof, listing all exhibits, witnesses, and estimated length of hearing time. Each party must also furnish the arbitrator with copies of pleadings and other documents from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

Arbitrator Compensation (full payment due)

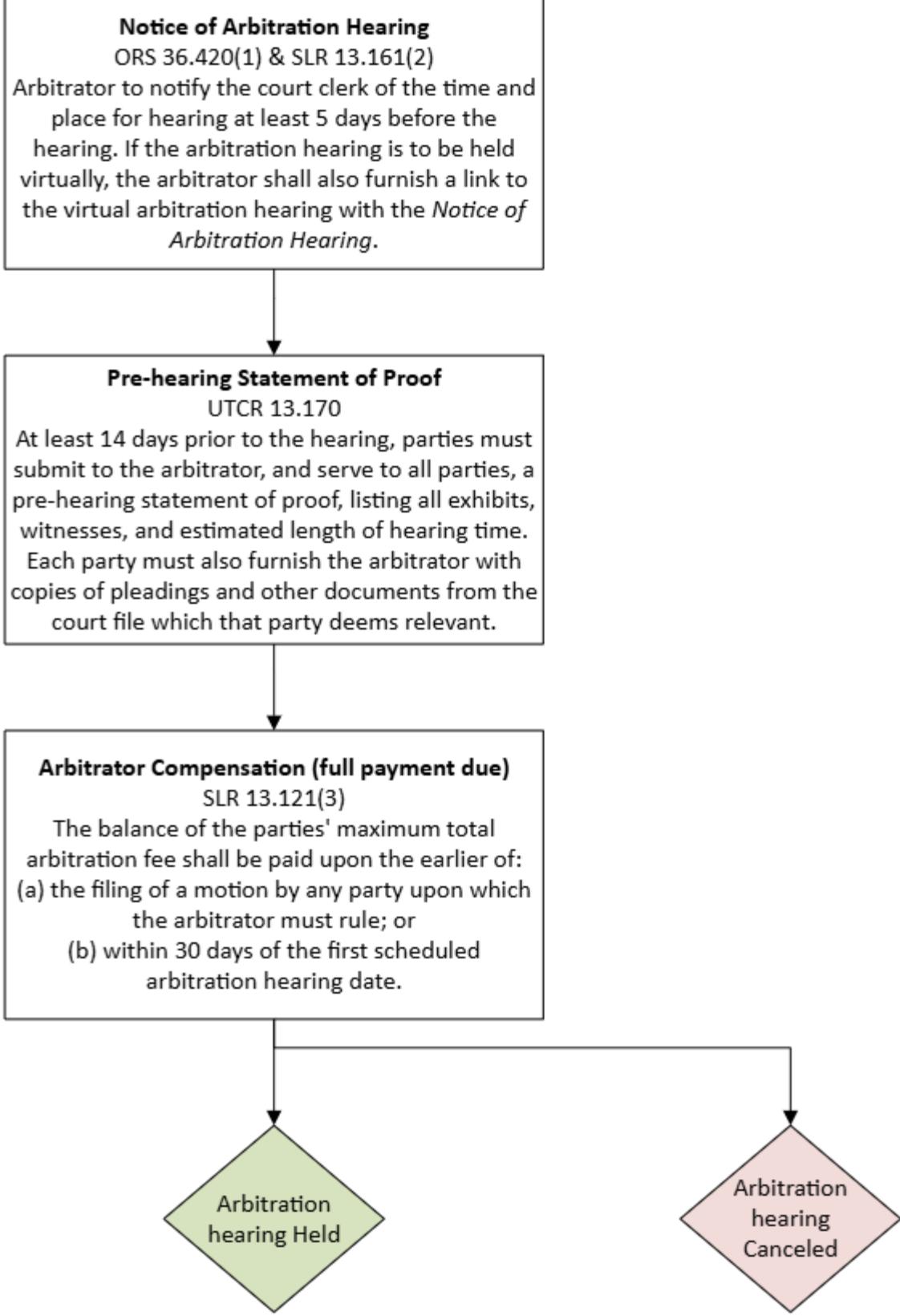
SLR 13.121(3)

The balance of the parties' maximum total arbitration fee shall be paid upon the earlier of:

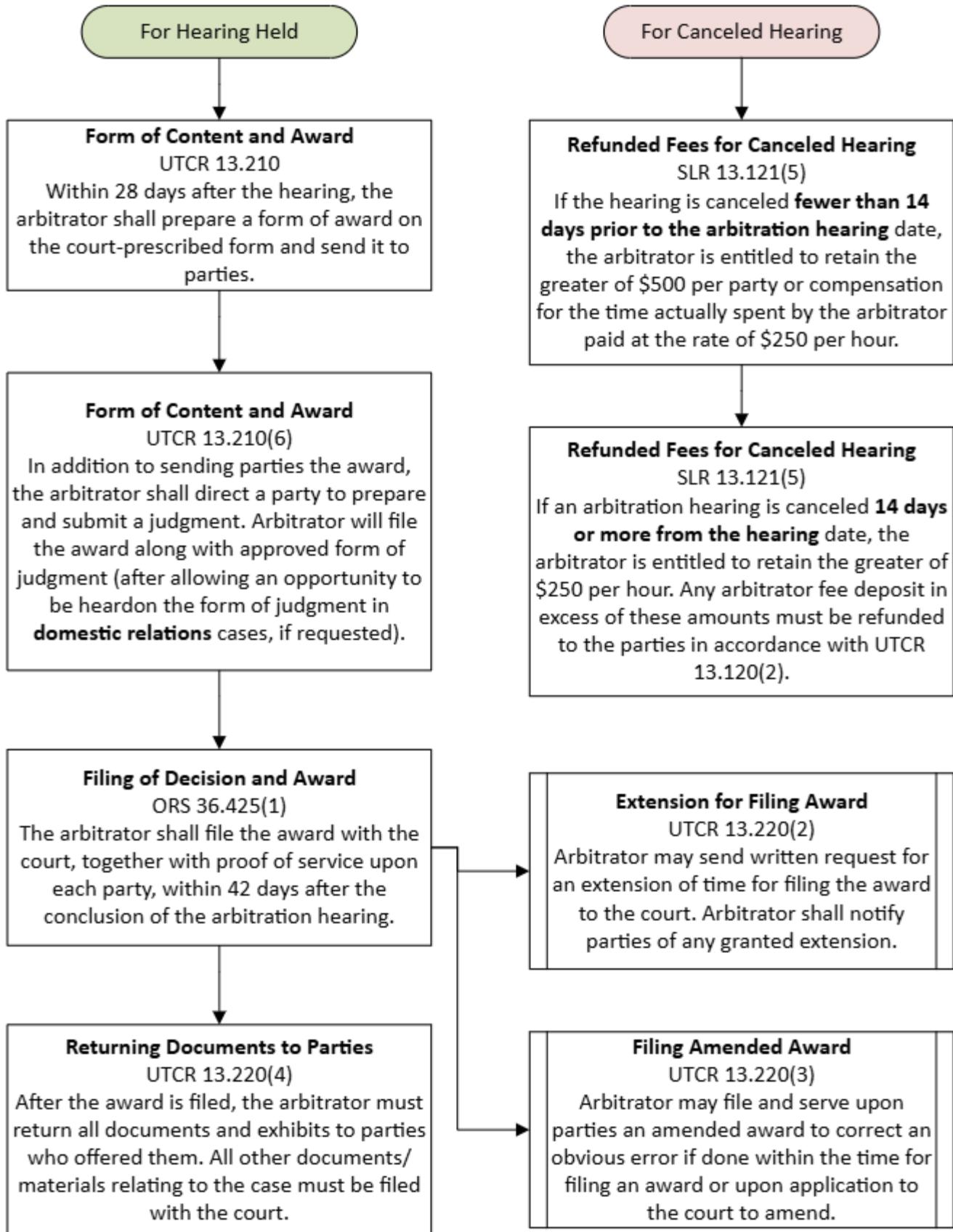
- (a) the filing of a motion by any party upon which the arbitrator must rule; or
- (b) within 30 days of the first scheduled arbitration hearing date.

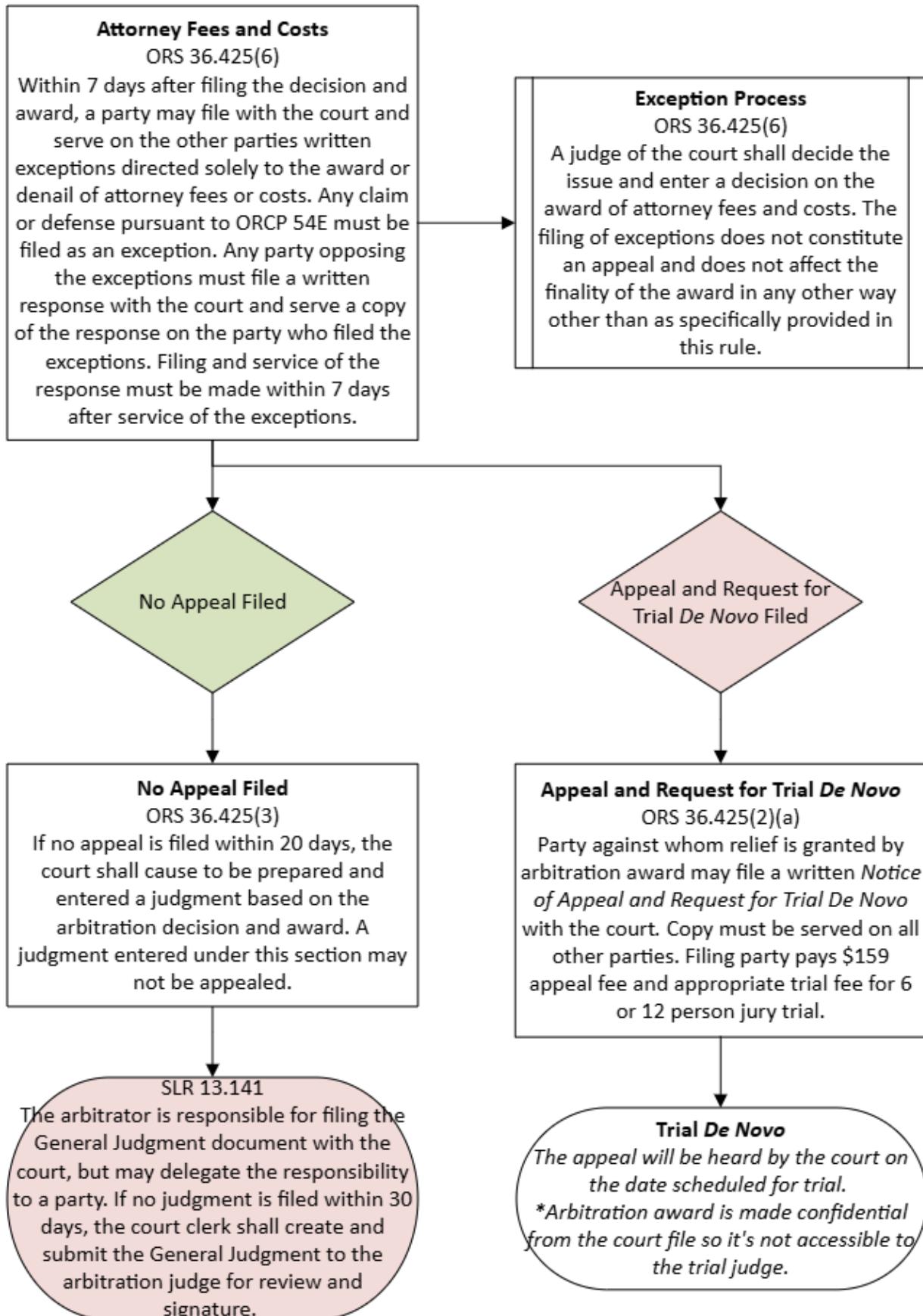


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graph TD; A[Notice of Arbitration Hearing  
ORS 36.420(1) & SLR 13.161(2)  
Arbitrator to notify the court clerk of the time and place for hearing at least 5 days before the hearing. If the arbitration hearing is to be held virtually, the arbitrator shall also furnish a link to the virtual arbitration hearing with the Notice of Arbitration Hearing.] --> B[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.]; B --> C[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.]; C --> D{Arbitration hearing Held}; C --> E{Arbitration hearing Canceled}
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graph TD; A[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.] --> B[Pre-hearing Statement of Proof  
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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.]; B --> C[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.]; C --> D{Arbitration hearing Held}; C --> E{Arbitration hearing Canceled}
```





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).

Clackamas County ARBITRATOR REFERENCE GUIDE

Arbitrator Requirements

1. **Legal Requirements to Be an Arbitrator:** Under UTCR 13.090: “unless otherwise ordered or stipulated, an arbitrator must be:
 - a. An active attorney member in good standing of the Oregon State Bar, who has been admitted to any Bar for a minimum of five years, or a retired or senior judge (though parties may stipulate to a non-lawyer arbitrator).” UTCR 13.090(1)
 - b. Clackamas County SLR 13.091(2) allows parties to “stipulate to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside of Clackamas County. Such alternative arbitrators shall be required to follow all Clackamas County arbitration rules, procedures, and deadlines.”
 - c. “An arbitrator who is not a retired or senior judge or stipulated non-lawyer arbitrator must be an active attorney member in good standing of the Oregon State Bar at the time of each appointment. During any period of suspension from the practice of law or in the event of disbarment, an arbitrator will be removed from the court’s list of arbitrators and may reapply when the attorney is reinstated or readmitted to the bar.” UTCR 13.090(2)
 - d. It’s important to note that any reference in UTCR Ch. 13 to “(the word) ‘attorney’ does not include licensed paralegals.” UTCR 13.090(4).
 - e. “Arbitrators will conduct themselves in the manner prescribed by the [Code of Judicial Conduct](#).” UTCR 13.090(3).
 - f. Clackamas County SLR 13.091 further requires an attorney wanting “to be placed on the Clackamas County Court-Appointed Arbitration List” to “complete an [Application to Serve as Arbitrator](#) form available on the court’s website and send it to the arbitration clerk” by emailing CLA.arbitration@ojd.state.or.us.
 - A. Any additional local requirements for inclusion or retention of arbitrators to be on the list will be posted on the court’s website:
<https://www.courts.oregon.gov/courts/clackamas/help/Pages/arbitration-forms.aspx>. SLR 13.091(1).
 - B. Once approved, an arbitrator’s application to be on the list is good for two (2) years and must be renewed prior to expiration. The [Renewal Application to Serve as Arbitrator](#) form is also on the court’s website:
<https://www.courts.oregon.gov/courts/clackamas/help/Pages/arbitration-forms.aspx>. SLR 13.091(a).

See forms in Court Forms Section and available online.

- [Application to Serve as Arbitrator](#)
- [Renewal Application to Serve as Arbitrator](#)

Transferring a Case into Arbitration

1. Cases Transferred into Arbitration:

- a.** Under [ORS 36.405](#), a case will be referred to mandatory arbitration “if either of the following applies:
 - A.** 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.** The action is a domestic relations suit, as defined in [ORS 107.510\(3\)](#), in which the only contested issue is the division or other disposition of property between the parties.”

Note: Parties may motion the court to exempt the case from arbitration within 14 days of transferring the case into arbitration. A [Motion for Order of Exemption from Arbitration](#) (ORS 36.405) must be submitted by the parties to the court for ruling. The Arbitration Judge will generate an [Order Exempting Case from Arbitration](#) to grant or deny the motion.

Note: Parties may motion the court to remove the case from arbitration for good cause. Documents should be filed directly with the court

- b.** Under [ORS 36.410](#), parties may stipulate to having the court refer the action to arbitration if:
 - A.** “The relief claimed is more than or other than recovery of money or damages.
 - B.** The only relief claimed is recovery of money or damages and a 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.”

If a civil action is referred to arbitration under this section, the arbitrator may grant any relief that could have been granted if the action were determined by a judge of the court.

- c.** Under [ORS 36.415](#), “In a civil action where the only relief claimed is recovery of money or damages and where a 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, any party against whom the claim is made may file a motion with the court requesting that the matter be referred to arbitration. After hearing upon the motion, the court shall refer the matter to arbitration under ORS 36.400 to 36.425 if the defendant establishes by affidavits and other documentation that no objectively reasonable juror could return a verdict in favor of the claimant in excess of \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment.”

See forms in Court Forms Section and available online.

-[Motion for Order of Exemption from Arbitration](#)

-[Order Exempting Case from Arbitration](#)

Assignment to Arbitration (Timing)

1. **Assigning a Case to Arbitration When No Trial is Set:** Pursuant to SLR 13.041, “No case shall be assigned to arbitration until **all** defendants to the **original action** have appeared by filing an answer to the complaint that commenced the action, have had a default judgment entered against them, or have been dismissed from the case by a limited judgment.”

At the time the court clerk assigns the case to arbitration, a trial date will also be scheduled. This date will remain on the docket until the case is closed by entry of General Judgment following no appeal of the arbitrator’s award. If the arbitrator’s award is appealed, the trial date will act as the trial *de novo*.

2. **Arbitration When Case Already Set for Trial:** Pursuant to UTCR 13.050, if a case is already set for trial, a “Cases will not be assigned to arbitration within 63 days of the set trial date, except by order of the court.
 - a. A court order is not necessary, if by stipulation, the parties agree upon an arbitrator and agree upon a hearing date at least 28 days before the scheduled trial date.”

Arbitrator Selection Process:

1. **Timing, Selection by Agreement, Assignment by Default:** Once a case is assigned to arbitration, the court sends parties a copy of the following documents, which are entered on the case:

- [Notice of Assignment to Arbitration](#) - This document includes the future trial date and provides instruction and information to parties, including arbitrator compensation information.
- [Notice - Arbitrator Selection](#) - This document includes the current list of arbitrators approved to be on the Clackamas County Court-Appointed Arbitration List. There is direction to Plaintiff(s) to contact Defendant(s) to discuss selection of arbitrator, and to complete the [Arbitration Response](#) form and return it to the court within 21 days.
- [Notice to Unrepresented Litigants in Arbitration](#) - This document includes OSB Lawyer Referral phone number, a page to complete and return to the court to capture the party’s contact information for the arbitrator, and information about arbitration rules and what to expect. This form is only provided to parties who are unrepresented.

2. **Mutual Agreement of the Parties:** UTCR 13.080(1) allows parties to select an arbitrator by stipulation.

- a. Plaintiff is expected to contact Defendant(s) to discuss selection of an arbitrator. If parties reach an agreement, the plaintiff must mark the appropriate box on the [Arbitration Response](#) form, to include the name and information of the arbitrator they've selected and return it to the court within 21 days.
3. **If No Agreement Reached - Assignment by Court:** If the court does not receive a completed *Arbitration Response* form back from Plaintiff showing that parties have stipulated to an arbitrator, the court will assign an arbitrator at random from the Clackamas County Court-Appointed Arbitration List.
 - a. Plaintiff is expected to contact Defendant(s) to discuss selection of an arbitrator. If no agreement is reached, Plaintiff must mark the appropriate box on the [Arbitration Response](#) form to request appointment of the arbitrator by the court and return it to the court within 21 days.
 - b. If the plaintiff does not notify the court of the parties' decision within 21 days, the court will assign an arbitrator and notify the parties which arbitrator has been assigned.

In either scenario, the court will notify the arbitrator and parties of the arbitrator's appointment by sending a copy of the following document, which is entered on the case:

- [Order Appointing Arbitrator](#) - This document will note whether the arbitrator was stipulated by the parties or appointed by the court, or if a new appointment is being made due to a previous arbitrator being unable to serve.

The arbitrator will also receive an additional notice as described below to their email address:

- [Notice to Assigned Arbitrator](#) -This document notifies the arbitrator of their appointment, who to contact if they need to be removed from the case, and that failure to comply with arbitration rules and time limits may result in removal from arbitration or dismissal of the case.

This form includes attachments as follows:

- [Notice of Arbitration Hearing Date](#) – This document has a place for the arbitrator to include the date, time, and location of the scheduled arbitration hearing date. If the hearing will be held on a virtual platform, there is an additional page on which the arbitrator should include a link to the hearing. The court is required to post this notice and link in a public area of the court to comply with Oregon's open court laws.

See forms in Court Forms Section and available online.

- [Notice of Assignment to Arbitration](#)
- [Notice - Arbitrator Selection](#)
- [Notice to Unrepresented Litigants in Arbitration](#)
- [Arbitration Response](#)
- [Order Appointing Arbitrator](#)
- [Notice to Assigned Arbitrator](#)
- [Notice of Arbitration Hearing Date](#)

Arbitrator Responsibilities

1. **Rule Compliance:** Arbitrators chosen from the Clackamas County Court-Appointed Arbitration List provided by the Court for the case are bound by the arbitration rules set forth in:

- [ORS 36.400 et seq](#)
- [UTCR Chapter 13](#)
- [Clackamas County SLR Chapter 13](#)

Arbitrators not on the list provided by the Arbitration Coordinator must comply with all Clackamas County Circuit Court mandated Arbitration rules. The court may remove the case from arbitration for noncompliance.

2. **Conflicts:** Arbitrators are obligated to notify the parties and the court immediately of any conflict of interest that may exist with any of the parties. Follow the [Oregon Judicial Code of Conduct](#) for direction on how to proceed.
3. **Arbitrator Unable/Unwilling to Serve:** Pursuant to SLR 13.091(3), (4), and (5), an Arbitrator who is no longer willing or able to serve as an Arbitrator shall immediately notify the arbitration clerk by emailing cla.arbitration@ojd.state.or.us.

Additionally, an Arbitrator who is unable/unwilling to serve on an individual case must immediately notify all parties and return all original documents/materials in the case to the party who submitted them to the arbitrator.

An arbitrator should notify the court in advance by emailing cla.arbitration@ojd.state.or.us if the arbitrator will be retiring or going on an extended vacation so that time is not wasted appointing that Arbitrator to a case during the time period the arbitrator will be unavailable.

Important Note: “The arbitration Commission may adopt additional requirements for inclusion or retention on the Clackamas County Court-Appointed Arbitration List. Additional requirements and forms will be posted on the Arbitration page of the court’s website: <https://www.courts.oregon.gov/courts/clackamas/help/Pages/arbitration-forms.aspx>.” SLR 13.091(1).

Scheduling the Arbitration Hearing

1. **Timing & Scheduling the Hearing:** The court expects the arbitration process from start to finish to take approximately 3-4 months. “**The arbitrator** is given the power to enforce the rules and **will be required to maintain the schedule**.” UTCR 13.160(4). “If the arbitrator does not keep the schedule or timely file the appropriate documents to request postponement or

continuance, the court will remove the case from arbitration and the case will proceed with trial.” SLR 13.131(4).

- a.** “Except for good cause shown, the hearing must be scheduled to take place **not sooner than 14 days** from the date of assignment to the arbitrator.” UTCR 13.160(3).
- b.** “As authorized by UTCR 13.160(2), except for good cause shown, the arbitration hearing must be scheduled to take place **not later than 91 days** from the date of assignment of the case to the arbitrator. Except for applying this 91-day time period in place of the 49-day time period set in UTCR 13.160(3), all other requirements of UTCR 13.160 (3) and (4) apply to the scheduling, postponement or continuance of an arbitration hearing.” SLR 13.131(1).
- c.** “If an arbitration hearing is not scheduled within 180 days from the date a case is assigned to arbitration, the court will remove the case from arbitration and will proceed with trial, unless:
 - A.** A party or the arbitrator files a Motion, Declaration and Order to Continue Arbitration. The documents will be reviewed by the judge assigned to oversee arbitration matters at the court, who will have discretion to continue the case in the arbitration program only if the parties establish extraordinary circumstances justifying the delay in the arbitration hearing date. If the parties do not make a showing of extraordinary circumstances, the judge assigned to oversee arbitration matters at the court shall order the case to be returned from arbitration.” SLR 13.131(2).

2. Process For Scheduling Hearing Date: After the court appoints the arbitrator, the arbitrator shall:

- Confirm that there are no conflicts with the named parties;
- Set the time, date and place of the hearing within the timeline specified by the court;
- Give reasonable notice of the hearing date to all parties; and
- “At least five (5) days before the hearing, provide notice to the court of the time, date and place of the hearing” via the arbitrator’s [Notice of Arbitration Hearing Date](#). [ORS 36.420\(1\)](#).

- a.** “The arbitrator shall furnish a link to the virtual arbitration hearing together with the notice of scheduled arbitration hearing” if the location of the hearing is to take place on a virtual meeting platform. SLR 13.161(2).
- b.** If there is any subsequent change to the hearing date, the parties or the arbitrator must file the following forms with the court:
 - **Within 91 days from assignment** of the case to the arbitrator: [Motion](#) and [Order to Change Arbitration Date](#)
 - **More than 91 days from assignment** of the case to the arbitrator: [Motion](#) and [Order to Waive 91-Day Rule](#) with change of arbitration date.
 - **More than 180 days** from the date a case is assigned to arbitration: [Motion](#) and [Order to Continue Arbitration](#) with the court.

3. **Scheduling Difficulties:** The arbitrator is not required to consult the parties before setting the hearing but must provide reasonable notice of the hearing date.

Note: A settlement conference is not required prior to trial for cases that are subject to mandatory arbitration. SLR 6.012(1).

- a. **Effect of Hearing on Normal Case Calendaring:** “In all cases subject to mandatory arbitration, a trial date will be set in accordance with the court’s regular trial setting procedure and UTCR 7.020(5). 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.” SLR 13.131(3).
- b. **Court Tracking of Arbitration Time Standards:** Every case assigned to arbitration shall maintain its approximate position on the civil trial docket as if the case had not been assigned to arbitration, unless, at the discretion of the court, the docket position should be modified. UTCR 13.280.
- c. The court’s arbitration clerk reviews a weekly report based on the following time standard in arbitration cases:

- **Arbitration Hearing 91 Days:** If the court does not receive notice of an arbitration hearing scheduled within 91 days of the case being assigned to the arbitrator, the arbitration clerk will email a [Notice – Arbitration Information Needed](#) letter to the arbitrator.

The arbitrator should immediately file a [Notice of Arbitration Hearing Date](#) and [Motion and Order to Waive 91-Day Rule](#). If the requested forms not received by the arbitration clerk within one week after the first request is made, the clerk will reach out one additional time. If requested forms are not received by the end of the second week, the arbitration clerk will ask the arbitration judge if they wish to remove/replace the arbitrator or remove the case from arbitration.

4. **Location for the Hearing:** “Unless otherwise stipulated by all parties, arbitration proceedings shall be scheduled at a location in Clackamas County, Oregon or via virtual meeting on a platform of the arbitrator’s choice. The arbitrator may schedule telephone or virtual conference calls to address scheduling and procedural issues.” SLR 13.161.

- a. **Personal Appearance:** The parties and the trial attorneys” must be personally present at the arbitration hearing, unless excused in advance by the arbitrator in writing for good cause shown...Residency in another state does not create a presumption of good cause.” SLR 13.161.
- b. **Open to the Public:** “The arbitration proceeding, and the records thereof, shall be open to the public to the same extent as would a trial of the action in the court and the records thereof.” [ORS 36.420\(2\)](#).

Best Practice Tip: The court expects a hearing between 14 and 91 days from date of assignment into arbitration. Extensions will only be granted for good cause. If a case does not move through arbitration in a timely manner, there is a risk that it will be removed from arbitration. Trial is typically set at 9 months after the filing date. It's best to act as expeditiously as possible in all arbitration matters. The arbitration clerk will request information from the arbitrator if timelines are not met. **Keep the case moving.**

Best Practice Tip: Create a standard letter template to send to parties or the attorneys so that you have it ready to send as soon as you are appointed as the arbitrator. This letter is a great way to present the following information: time, date, and place of arbitration, who must appear, what the arbitrator's fees are and how to pay them, request notification of any settlement or bankruptcy, and deadlines for pre-hearing motions, briefs, pre-hearing statements of proof and attorney fees and costs. In your initial letter to the parties, propose a timely hearing date and provide one or two alternate timely dates workable with your schedule. Inform the parties that if they have a conflict with the proposed hearing date, they should (a) confer with each other as to which of the alternate dates they prefer, (b) let you know within a week, and (c) that if you don't hear from them, you will schedule the hearing for the date you initially proposed. **See a sample letter in the Miscellaneous for Arbitrator's Section.**

See forms in Court Forms Section and available online.

- [Notice of Arbitration Hearing Date](#)
- [Motion and Order to Change Arbitration Date](#)
- [Motion and Order to Waive 91-Day Rule](#)
- [Motion and Order to Continue Arbitration](#)
- [Notice – Arbitration Information Needed](#)

See Miscellaneous for Arbitrators section for:

- [Sample Letter](#)

Arbitrator Compensation:

1. Hourly Rate:

- a.** “The arbitrator’s hourly fee is \$250.00 per hour, not to exceed \$2,000.00, which shall be divided pro rata among the original parties or in accordance with the order of the arbitrator.” SLR 13.121(1). If additional parties are joined to the case after assignment to arbitration, the arbitrator has discretion to decide how the balance of the total maximum fee will be divided.
- b.** In accordance with UTCR 13.120(7), if, “at the conclusion of the case, the arbitrator determines that the case required extraordinary effort and time, the arbitrator may seek the parties’ agreement for a fee in excess of the \$2000 maximum fee.” SLR 13.121(4).

Extraordinary conditions may be justified for complex matters, but Arbitrators should

keep in mind that the intent for mandatory court annexed arbitration under ORS chapter 36 is to encourage access to justice for parties of all economic levels, and to allow parties to litigate and resolve matters without undue expense.

- c. “If the parties do not agree that additional fees are warranted, the arbitrator may seek an order from the judge assigned to oversee arbitration matters at the court authorizing additional fees.” SLR 13.121(4).
- d. “Any dispute as to the amount of the arbitrator’s fees must be submitted to the court for resolution.” UTCR 13.120(5).

2. **Payment of Fees:**

- a. **Deposit:** “Within 14 days of the appointment of the arbitrator, each party must tender 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 the arbitration fees to the arbitrator.” SLR 13.121(2). If payment is not received, [see section 5 below](#).
- b. **Balance of Fees:** “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.” SLR 13.121(3).

“In accordance with UTCR 13.120(4), the arbitrator may preclude a party from participating in the arbitration proceeding after the transfer unless the party pays the required arbitrator fee or the party obtains a waiver or deferral of the fee from the court and provides a copy of the waiver or deferral to the arbitrator, prior to the arbitration.” SLR 13.121(6).

- c. **Fees in Excess of Total Maximum Fee:** In the event an arbitrator moves the court for a post-arbitration order to allow fees in excess of \$2,000.00 for good cause shown, the request submitted to the court must include a recommendation for apportionment of the excess fees among the parties. If the recommended apportionment of excess fees is unequal, the request must also include an explanation of the circumstances that justify an unequal apportionment. SLR 13.121.
- d. **Fee Deferral/Waiver:** Indigent parties who seek relief from payment of the arbitrator’s fee in whole or in part must apply *to the court* within 14 days from the date the case is transferred to arbitration. SLR 13.122(1). “Any party who obtains a deferral or waiver of arbitration fees as provided in [ORS 36.420\(3\)](#) and UTCR 13.120(3), must immediately provide the arbitrator with a copy of the court order granting the waiver or deferral” SLR 13.122(2). The court should also send a copy of the deferral or waiver to the arbitrator.
 - A. A party may obtain an [Application for Fee Waive or Deferral](#) of the arbitrator’s fees from the Court Help Desk or online from the court’s website: <https://www.courts.oregon.gov/clackamas>.

B. "Expenses so waived shall be paid by the state from funds available for the purpose. Expenses so deferred shall be paid, if necessary, by the state from funds available for the purpose, and the state shall be reimbursed according to the terms of the deferral." [ORS 36.420\(3\)](#).

3. **Refund of Fees if Arbitration Hearing Canceled**: "If an arbitration hearing is cancelled fourteen (14) days or more from the arbitration hearing date, the arbitrator is entitled to retain the greater of \$250 per party or compensation for the time actually spent by the arbitrator paid at the rate of \$250 per hour. Any arbitrator fee deposit in excess of these amounts must be refunded to the parties in accordance with UTCR 13.120(2). If the hearing is cancelled fewer than fourteen (14) days prior to the arbitration hearing date, the arbitrator is entitled to retain the greater of \$500 per party or compensation for the time actually spent by the arbitrator paid at the rate of \$250 per hour." SLR 13.121(5).

"Regardless of whether the arbitration hearing is conducted, the parties must pay a proportionate share of the arbitrator's fee." UTCR 13.120(2). If there are multiple plaintiffs, each plaintiff must pay \$500.00. If there are multiple defendants, the same. If there are more than four parties involved in the arbitration and the cumulative total of preliminary payments exceeds \$2,000.00, then the arbitrator shall refund the excess payment promptly, in equal proportions to each party who tendered a preliminary payment.

4. **Refunds and Reimbursement at End of Case:**

- a. **Refunds for overpayment:** At the conclusion of the matter, the arbitrator must submit to each party a completed [Arbitrator's Itemization of Time Utilized](#) form and shall refund to parties a proportionate amount of any deposit received in excess of the arbitrator's fees.
- b. **Reimbursement for Waived or Deferred Fees:** If a party obtained a waiver or deferral from the court for the arbitration fee, the arbitrator must complete a [Arbitrator's Itemization of Time Utilized](#) form and [Arbitrator's Request for Payment of Arbitrator Fee](#) and submit them together with the court order waiving or deferring all or part of the fees to the Trial Court Administrator for Clackamas County Circuit Court. SLR 13.122(3).

Best Practices Tip: In your initial letter to the parties at the outset of your appointment as Arbitrator, explain the arbitrator's fee and the 14-day requirement for each party to pay the deposit. In the likely event that you are unable to send your letter on the very date you were appointed, you might simply ask that payment be made within 14 days of your letter. Tickle the date on your calendar, and if the deposit is not received, send a second letter but continue to be aware of time limitations of the case.

See forms in Court Forms Section and available online.

- [Application for Fee Waive or Deferral](#)
- [Arbitrator's Itemization of Time Utilized](#)
- [Arbitrator's Request for Payment of Arbitrator Fee](#)

5. Party's Failure to Pay or Secure Waiver/Deferral of the Deposit:

- a.** [ORS 36.400\(4\)](#) requires that, unless the party has obtained a waiver or deferral of the fee from the court and has provided a copy of the waiver or deferral to the arbitrator, the arbitrator "shall not allow any party to appear or participate in the arbitration proceeding" after the transfer to arbitration unless the party pays the required fees or obtains a waiver or deferral.

NOTE: The failure of a party to appear or participate in the arbitration proceeding by reason of failing to pay the arbitrator fee or obtain a waiver or deferral of the fee does not affect the ability of the party to appeal the arbitrator's decision and award in the manner provided by ORS 36.425." ORS 36.400(4) and UTCR 13.120(4).

- b.** Although the language of [ORS 36.400\(4\)](#) seems clear, the UTCR Committee responsible for the UTCR amendments effective 8/1/2017 concluded that the requirement of [ORS 36.400\(4\)](#) applied only to cases transferred from the small claims department. Therefore UTCR 13.120 was amended as of August 1, 2017, to state, at UTCR 13.120(4), that in the event of non-payment of the arbitrator's fee or a waiver, "the arbitrator **may** preclude the party from appearing or participating in the arbitration." [emphasis added].

Best Practices Tip: Although the UTCR Committee, in its explanation of the amendment of UTCR 13.120(4), wrote that the amendment **allows** the arbitrator to preclude a non-paying party from appearing or participating in arbitration, as if the arbitrator was not previously allowed to do so, the "may" language appears to give the arbitrator discretion to either allow or not allow the non-paying party to appear or participate, as the arbitrator chooses.

See form in Court Forms Section and available online. If using online form, add Arbitrator's Certification

- [Arbitrator's Itemization of Time Utilized](#)
- [Arbitrator's Request for Payment of Arbitrator Fee](#)

Pre-Hearing Matters

- 1. Scope of Authority:** The arbitrator has jurisdiction of the case from the time of appointment until the award is filed, including the power to decide:
 - a. Procedural Issues:** The arbitrator decides procedural issues arising before or during the arbitration hearing, except issues relating to whether the case may be arbitrated or the qualification of an Arbitrator. UTCR 13.100(1).
 - b. Discovery Issues:** The arbitrator decides all discovery issues. UTCR 13.100; 13.140; 13.170; 13.190.
 - c. Subpoenas:** The arbitrator may issue a subpoena, enforceable in the manner described in ORS 36.675. UTCR 13.100(4) and 13.150.

- d. **Motions:** The arbitrator has the authority to determine the place, time and process for the parties to present motions to the arbitrator, including summary award motions under ORCP 47. (Examples: Motions for Electronic or Remote Appearance and Motions for Protective Orders Re: Documents). UTCR 13.100(8).
- 2. **Restrictions On Communications with Arbitrator:** "Unless all parties otherwise agree, no disclosure of any offers or settlement made by any party shall be made to the arbitrator prior to the announcement of the award. Neither counsel nor a party may communicate with the arbitrator, regarding the merits of the case, except in the presence of, or on reasonable notice to, all other parties. Except for Rules 1, 4.1 to 4.3, 4.5 to 4.10, and 5 of the [Code of Judicial Conduct](#), all rules of professional conduct concerning Bench and Bar apply in the arbitration process." UTCR 13.130.

Parties may only talk about settlement agreements between themselves and must NOT include the arbitrator in any settlement discussions. The arbitrator is not supposed to know about any offers made by either side in case the arbitrator ends up hearing and deciding the case.

Additionally, neither side is allowed to contact the arbitrator on any other subject without including the other side in the communication.

Best Practices Tip: In your initial letter, suggest that the parties, whether self-represented or not, review a copy of the above rules, along with Oregon Revised Statutes (ORS) 36.400 et seq., Chapter 13 of the Uniform Trial Court Rules regarding arbitrations, and Chapter 13 of the Clackamas County Supplemental Local Rules, available on the Court Website or at the Clackamas Law Library.

3. **Notice of Settlement or Bankruptcy:**

- a. **The Parties Settle the Case:** If the parties notify the arbitrator that the case has settled, the arbitrator is responsible for eFiling a [Notice of Settlement](#) with the court.

In the event of settlement, the arbitrator must submit an itemization of time and refund the parties any deposit in excess of the arbitrator's actual fees. (see [Refund of Fees if Arbitration Hearing Canceled section](#) above).

- b. **A Party Files for Bankruptcy:** A Bankruptcy filing by a party immediately places a stay on all proceedings until there is a change in bankruptcy status. [Section 362 of the US Bankruptcy Code](#); UTCR 7.050. The arbitrator is responsible for eFiling a [Notice of Bankruptcy](#) with the court.

In the event of bankruptcy, the arbitrator must submit an itemization of time and refund the parties any deposit in excess of the arbitrator's actual fees (see [Refund of Fees if Arbitration Hearing Canceled section](#) above).

The Clackamas County Circuit Court will track the case, and after a bankruptcy is discharged or dismissed; the clerk will determine if a 30-day *Notice of Dismissal* should be mailed to the parties to prompt further action. If a party does not file a motion to take further action in the case, it will be dismissed. If a motion is filed and the case was in arbitration status before it was stayed, it will go to the Arbitration Judge for a ruling.

- c. **Arbitrator's Duty:** It is the arbitrator's duty to ensure that the court receives final documents, but that duty may be delegated to a party. The arbitrator is responsible for eFiling with the court a *Notice of Settlement* or *Notice of Bankruptcy*, or *Arbitration Award*, along with *Arbitrator's Itemization of Time Utilized*, and upon the filing of same, the arbitration clerk will discharge the arbitrator and remove the case from arbitration. The arbitrator must refund the parties any deposit in excess of the arbitrator's actual fees (see [Refunds and Reimbursement at End of Case section](#) above).

Best Practices Tip: If possible, attach written verification from the party confirming the filing of bankruptcy. If the party does not provide confirmation of the bankruptcy case number, then contact the arbitration clerk, who will try and locate it for you. If you have a PACER account, you can easily locate the filing online.

See form in Court Forms Section:
[-Arbitrator's Notice of Bankruptcy or Settlement](#)

The Arbitration Hearing

- 1. **Pleadings:** It is the litigants' responsibility to provide the arbitrator with documents the parties deem relevant. UTCR 13.170(3) requires each party to furnish the arbitrator "with copies of pleadings and other documents contained in the court file which that party deems relevant" at least 14 days prior to the arbitration hearing.
 - a. **Pre-Hearing Statement of Proof:** At least 14 days before the arbitration hearing, "each party must submit to the arbitrator and serve upon all other parties" all of the following items: UTCR 13.170(1).
 - A. **Exhibits:** A list of all exhibits to be offered showing or accompanied by a description of the document and the name, address and phone number of the party submitting it. "Each party, upon request, must make any exhibits available for inspection and copying by other parties."
 - B. **Witnesses:** A list of witnesses the party intends to call at the hearing with addresses and phone numbers, as well as a statement describing the "matters about which each witness will be called to testify."
 - C. **Time Estimate:** An estimate as to the expected length of the hearing.
- 2. **A Party's Failure to Comply:** The arbitrator has discretion to preclude a party from presenting witnesses or exhibits that have not complied with UTCR 13.170. A party failing to comply with UTCR 13.170 or with a discovery order "may not present at the hearing any witness or exhibit required to be disclosed or made available, except with permission of the arbitrator." UTCR 13.170(2).
- 3. **Conduct & Issues of Hearing, UTCR 13.180:**
 - a. **Arbitrations Generally:** Arbitrations "shall be informal and expeditious. The Arbitrator

shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence" to accomplish the following:

- A.** Make witness examination and presentation of evidence effective for the ascertainment of the facts.
- B.** Avoid needless consumption of time.
- C.** Protect witnesses from harassment or undue embarrassment.

b. Witnesses:

- A.** Witnesses "shall be placed under oath or affirmation prior to presenting testimony." UTCR 13.180(2). The arbitrator is typically responsible for administering the oath (see [Evidence Code Rule 603](#) for [Witness Oath](#)).
- B.** The arbitrator may question witnesses. UTCR 13.180(2).
- C.** The arbitrator has the discretion to allow or not allow telephonic witness testimony. In making this determination, the Arbitrator may wish to consider the nature and complexity of the case, the amount in controversy, and the need for informal and expeditious arbitration.
- c. Evidentiary Issues:** The arbitrator has the discretion to determine which rules of evidence will be applied. UTCR 13.100(6); 13.180(2).
- d. Admissible Documents:** The following documents are only admissible if the party offering the document has included the document in their Prehearing Statement of Proof and they have promptly made the document available, "after request, to all other parties, along with all other documents from the same author or maker." UTCR 13.190. This provision applies to the following documents:
 - A.** A bill, report, chart or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider on a letterhead or a printed bill.
 - B.** A bill for drugs, medical appliances, or other related expenses on a letterhead or a printed bill.
 - C.** A bill for, or an estimate of, property damage on a letterhead or a printed bill. In the case of an estimate, the party intending to offer the estimate must forward with the prehearing statement of proof under UTCR 13.170 a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid.
 - D.** A police, weather, wage loss, or traffic signal report or standard life expectancy table.
 - E.** A photograph, x-ray, drawing, map, blueprint, or similar documentary evidence.
 - F.** The written statement of any witnesses, including the written report of an expert witness which may include a statement of the expert's qualifications, and including a statement of opinion which the witness would express if testifying in person, if it is

made by affidavit or by declaration under penalty of perjury.

- G.** A document not specifically covered by any of the foregoing provisions, but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the policies, purposes, and interests of justice.
 - e. Recording the Arbitration Hearing:** The hearing may be recorded electronically or otherwise by any party or the arbitrator. The cost of a recording is not a recoverable cost. UTCR 13.180(3). The recording shall not be an official record of the proceedings or admissible in any further proceedings in court but shall be solely for the personal reference of the maker.
- 4. A Party's Failure to Comply with Rules:** The arbitrator may require a party to pay the reasonable expenses, including attorney fees, caused by the failure of a party or attorney to obey an order of the arbitrator. UTCR 13.100(9).

 - a. Party's Failure to Pay Arbitrator Fee:** "The arbitrator shall not allow any party to appear or participate in the arbitration proceeding...unless the party pays the arbitrator fee established by court rule or the party obtains a waiver or deferral of the fee from the court and provides a copy of the waiver or deferral to the arbitrator." ORS 36.400(4). At the conclusion of the arbitration process a court may enter a judgment in the arbitrator's favor and against the party who has not paid the arbitrator's fee. UTCR 13.120(7).

NOTE: The failure of a party to appear or participate in the arbitration proceeding by reason of failing to pay the arbitrator fee or obtain a waiver or deferral of the fee does not affect the ability of the party to appeal the arbitrator's decision and award in the manner provided by ORS 36.425." ORS 36.400(4) and UTCR 13.120(4).
 - b. Party's Failure to Comply with Discovery Rules:** A party who fails to comply with a discovery order may not present at the hearing any exhibit required to be disclosed or made available, except with the permission of the arbitrator. UTCR 13.170(2).
 - c. Party's Failure to Provide Prehearing Statement of Proof:** A party who fails to timely provide the required Prehearing Statement of Proof may not present at the hearing any witness or exhibit required to be disclosed or made available, except with the permission of the arbitrator. UTCR 13.170(2).

 - A. Failure of Party To Pay Arbitrator Fee:** See section III.B above and ORS 36.400(4). The arbitrator's fees must be paid proportionately, and at the conclusion of the arbitration process a court may enter a judgment in the Arbitrator's favor and against the party who has not paid the Arbitrator's fee. UTCR 13.120(2) and (7).
 - B. Party's Failure To Comply With Discovery Rules:** A party who fails to comply with a discovery order may not present at the hearing any exhibit required to be disclosed or made available, except with the permission of the arbitrator. UTCR 13.170(2).
 - C. Failure To Provide Prehearing Statement of Proof:** A party who fails to timely provide the required Prehearing Statement of Proof may not present at the hearing any witness or exhibit required to be disclosed or made available, except with the permission of the arbitrator. UTCR 13.170.

D. Party's Failure to Physically Appear at Hearing: An arbitration hearing may proceed and an award may be made in the absence of any party who, after notice, fails to participate or to obtain a continuance or postponement. If a defendant is absent, the arbitrator shall require the plaintiff to submit evidence sufficient to support an award. In a case with more than one defendant, a defendant's absence does not preclude the arbitrator from assessing damages against the absent defendant(s). The arbitrator, for good cause shown, may allow an absent party an opportunity to appear at a subsequent hearing before making an award. (See UTCR 13.200).

d. Cancelation of Arbitration Hearing: An arbitration hearing may be canceled for numerous reasons; including, but not limited to:

- A.** Parties report the matter settled to the arbitrator (see section [Notice of Settlement or Bankruptcy](#) section above).
- B.** A party notifies the arbitrator and the arbitrator is able to verify that a bankruptcy has been filed ((see section [Notice of Settlement or Bankruptcy](#) section above)).
- C.** Parties cease communication with the arbitrator, making it possible to proceed with the hearing.

In addition to canceling the arbitration hearing, the arbitrator must:

- Communicate with the court's arbitration clerk by filing a [Notice of Settlement or Bankruptcy](#) form so the clerk may remove the case from arbitration.
- Return original documents or evidence as necessary to parties.
- Refund any overpayments of the arbitrator's fee to parties in accordance with UTCR 13.121(5) (see [Refund of Fees if Arbitration Hearing Canceled](#) section above).

See form in Court Forms Section:
-[Notice of Settlement or Bankruptcy](#)

See Miscellaneous for Arbitrators Section for:
-[Witness Oath](#)

Post-Hearing Matters

- 1. Arbitration Award:** At the closing of the arbitration, after all issues, including costs and attorney fees have been determined, the arbitrator should inform the parties not only of the 20 day appeal period pursuant to ORS 36.425(2) but also the 7 day "written exceptions" period pursuant to ORS 36.425(6).

a. **Attorney Fees & Costs:** “The arbitrator shall determine all issues raised...including... costs and attorney fees where allowed under applicable law.” UTCR 13.210(2). Civil litigators are generally more familiar with the 14-day deadlines set out in ORCP 68 regarding attorney fees and costs. That time frame does not apply in arbitration cases (see [Best Practice Tip](#) below for suggested practice).

A. Procedure for Determining Amounts:

- i. **Attorney Fees:** Upon review of the prevailing party's statement of fees, the arbitrator shall determine and award attorney fees as authorized by UTCR 13.100(10).
- ii. **Costs:** Arbitrator shall determine all costs to which the prevailing party may be entitled, including the prevailing party fee and the party's share of the arbitrator's fees.

B. Objections To Attorney Fees And Costs Statement: The Arbitrator may set a time limitation for the non-prevailing party to submit its objections to the prevailing party's attorney fees statement. Parties should have equal time to object as the prevailing party had to submit their statement.

b. Timing Of Arbitration Award:

- A. UTCR 13.210(5), requires the arbitrator to “send the award to the parties without filing with the court and shall establish procedures for determining attorney fees and costs”. The arbitrator must, however, be mindful of the trial date and the need for arbitration to be completed timely so as to allow the parties to continue on to the trial if a party appeals the arbitration award and requests a trial de novo.
- B. “In all cases, the arbitrator shall file the award with the trial court administrator, together with proof of service of a copy of the award upon each party, within 42 days after the conclusion of the arbitration hearing.” UTCR 13.220(1).

Best Practices Tip: Although the rules (UTCR 13.210 and 13.220) give arbitrators plenty of time to send the award to the parties and file it with the court (within 42 days after the conclusion of the arbitration hearing), that timeline might not fit the court's schedule. The best practice is to act quickly after the hearing:

1. **Send a letter with your decision** to the parties as soon as possible. If attorney fees or costs may be awarded, explain the process and deadlines.
2. **Set short deadlines:** Give the prevailing party a few days (up to a week) to submit an itemized list of fees and costs. Give the other party the same amount of time to respond or object.
3. Tell the prevailing party that a formal [ORCP 68](#) statement isn't required (though they may still file one). No replies to objections will be allowed, and you'll decide fees and costs without oral argument.
4. After reviewing the submissions, make your decision on fees and costs. Then prepare the award and send an **unsigned copy** to the parties right away (do not sign or file it yet).

5. You have **14 days** to file the signed award with the court but aim to do it within **7 days**.

c. **Requesting Extension of Time to File Award:** The arbitrator may request an extension of time for filing the award if the time requirements of UTCR 13.210 and 13.220 cannot be met for good cause. The request for the extension must be submitted “by presenting a written *ex parte* request to the trial court administrator. The trial court administrator may grant or deny the request, subject to review of the presiding judge. The arbitrator shall give the parties notice of any extension granted.” UTCR 12.220(2).

See form in Court Forms Section and available online:

-[Request for Extension of Time for Filing Award](#)
-[Order – Granting Extension of Time for Filing Arbitration Award](#)

d. **Form and Content of Award:**

- A. Arbitrators must prepare the written award using the Clackamas County Circuit Court’s [Arbitration Award](#) form. UTCR 13.210(1). The court’s form includes information about how to appeal the award and what fees are required.
- B. See UTCR 13. 210(2)-(4) for details regarding the required content of the award.
- C. “If the decision and award require the payment of money, including payment of costs or attorney fees, the decision and award must be substantially in the form prescribed by [ORS 18.042 \(Judgment in civil action that includes money award\)](#).” [ORS 36.425\(1\)](#).

See form in Court Forms Section and available online:

-[Arbitration Award](#)

e. **Amended Arbitration Award:** “The arbitrator may file with the trial court administrator and serve upon the parties an amended award to correct an obvious error made in stating the award if done within the time for filing an award or upon application to the court to amend.” UTCR 13.220(3).

f. **Documents and Exhibits:** “After the award is filed, the arbitrator must return all documents and exhibits to the parties who originally offered them. All other documents and materials relating to the case must be delivered to the trial court administrator. The parties must retain all exhibits returned by the arbitrator until a final judgment is entered in the case.” UTCR 13.220(4).

2. **Request for Trial de Novo:** A circuit court judge will hear the new trial on the existing date scheduled for trial unless continued or postponed. The arbitration award will be sealed in the court record upon a party filing a timely written notice of appeal and paying the applicable deposit and trial fee.

- a. **Who Can Appeal:** A party who lost in arbitration or a party who was awarded less than what they requested may file a written [*Notice of Appeal Re: Arbitration Award and Request for Trial de Novo*](#).
- b. **Timing:** A written notice of appeal must be made within 20 days of after the arbitrator files the arbitration award with the court. [ORS 36.425\(2\)\(a\)](#).
- c. **Fees:** A filing fee of \$159 is due upon a party filing a written notice of appeal with the court. [ORS 36.425\(2\)\(c\)](#). The clerk will also collect “a trial fee or jury trial fee, as applicable.” ORS [36.425\(2\)\(b\)](#).
 - A. If the appellant’s **position does not improve** after the new trial, the court will keep the \$159 deposited fee. [ORS 36.425\(2\)\(c\)](#).
 - i. If payment of the deposited amount was deferred by the court and the appellant’s **position does not improve**, they must pay the deferred amount to the court pursuant to the agreed terms.
 - B. If the appellant’s **position improves** after the new trial, the \$159 deposited fee will be returned to them. [ORS 36.425\(2\)\(c\)](#).

NOTE: When deciding if a party’s position improved after a trial de novo, the court ignores any money or relief granted on claims added by amendments made after the arbitrator’s award was filed.

3. Written Exceptions to Attorney Fees or Costs:

- e. Within seven (7) days after the arbitrator files the Arbitration Award with the court, a party may file with the court and serve on all other parties, written exceptions directed only to the award or denial of attorney fees and costs.

NOTE: Filing a written exception under [ORS 36.425\(6\)](#) does not constitute an appeal and does not affect the finality of the award in any way other than as specifically provided in that subsection.
- f. “Any party opposing the exceptions must file a written response with the court and serve a copy of the response on the party filing the exceptions. Filing and service of the response must be made within seven days after the service of the exceptions on the responding party.” [ORS 36.425\(6\)](#).
- g. The court will schedule a hearing in front of a circuit court judge following a response being filed to written exceptions. The judge will decide the issue and make an order regarding the award of attorney fees and costs.

Best Practices Tip: See sample [*Closing Letter*](#) in the Miscellaneous for Arbitrator’s Section.

4. Judgment on Award: Form, Content, and Timing: If no party files a request for trial de novo within 20 days after the arbitration award is filed with the court, the arbitration decision and award must be incorporated into a General Judgment document that is filed with the court.

- a. **Judgment Form:** The General Judgment document must comply with ORS 18.035 et. seq., ORS 18.042 et.seq., ORS 36.425(3) and with all other applicable ORS, ORCP and UTCR. SLR 13.141(1)
- b. **Content of Judgment:** The General Judgment entering an Arbitrator's Award must contain all the information necessary to implement the award without merely referring back to the Award document.
- c. **Timing:** The General Judgment must be filed with the Court within thirty (30) days after the time to request a trial *de novo* has elapsed.
 - A. "The arbitrator is responsible for filing the General Judgment document with the court but may delegate that filing responsibility to a party." SLR 13.1414(1).
 - B. Pursuant to SLR 13.141(2), "If a General Judgment is not filed within (30) days after the time to request a trial de novo has elapsed, the court's arbitration clerk shall create and submit a General Judgment which incorporates the arbitration award to the judge assigned to oversee arbitration matters at the court."

See form in Court Forms Section (*form is not available online*):
[General Judgment](#)

Best Practices Tip: Delegate the responsibility of preparing and filing the General Judgment to the prevailing party. By this point, you've likely already met or exceeded the retainer deposits paid by the parties. You are very unlikely to receive any additional payment from anyone, and anything above \$2,000 requires agreement from the parties or approval by the judge. Don't spend the time drafting the General Judgment yourself when you can delegate it.

Additionally, if the General Judgment contains a Money Award, the prevailing party or attorney is much more likely to know the debtor's information than you are.

5. Requesting Payment of Deferred Arbitrator's Fees, SLR 13.122(3):

- a. To request reimbursement of any deferred or waived arbitration fees, the arbitrator must file the following documents with the court arbitration clerk:
 - *Arbitrator's Request for Payment of Arbitrator Fee* form
 - *Arbitrator's Itemization of Time Utilized* statement
 - Copy of the *Order Deferring or Waiving Fees* of the indigent party, and
 - Any order granted by the judge assigned to oversee arbitration matters that authorizes additional fees under SLR 13.121(4).
- b. Reimbursement of any fees that exceed a party's pro rata share of the total maximum arbitration fee set forth in SLR 13.121(1) will only be paid if the arbitrator has obtained and provides a copy of the order described in SLR 13.121(4). SLR 13.122(3)(a).

See form in Court Forms Section and available *online*:

- Arbitrator's Request for Payment of Arbitrator Fee*
- Arbitrator's Itemization of Time Utilized*

RELATED STATUTES AND RULES

[**ORS 36.400** Mandatory arbitration programs](#)

[**ORS 36.405** Referral to mandatory arbitration *exemptions](#)

[**ORS 36.410** Stipulation for arbitration *conditions *relief](#)

[**ORS 36.415** Arbitration after waiver of amount of claim exceeding \\$50,000](#)

*Motion for referral to arbitration

[**ORS 36.420** Notice of arbitration hearing *open proceeding *compensation and expenses](#)

[**ORS 36.425** Filing of decision and award *notice of appeal *trial de novo *attorney fees and costs](#)

*effect of arbitration decision and award

[**UTCR CHAPTER 13—Arbitration**](#)

[**Clackamas County SLRs Chapter 13 – Arbitration**](#)

COURT FORMS AND NOTICES
(begins next page)

For Office Use:

Name: _____

 Completed Application Admitted to any bar 5 years
 current member of OSB in
good standing Retired or senior judge Mandatory Training Completed on: _____ Scheduled for: _____ Arb. Commission Determination: Approved Denied

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
ARBITRATION COMMISSION**

APPLICATION TO SERVE AS ARBITRATOR (ORS 36.400)

PERSONAL INFORMATION

Name:

Last	First	Middle Initial	Suffix
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E-mail Address: _____

(Mandatory)

Address: _____

Office Phone: _____ **Cell Phone:** _____**Facsimile No:** _____**OSB No:** _____**Senior or Retired Judge** Yes No**Active attorney member in good standing of the Oregon State Bar** Yes No**Years of Practice: (Oregon)** _____ **(Outside Oregon):** _____

EXPERIENCE AND TRAINING

Current Law Firm / Place of Employment:

Start Date **Firm Name and Address**

Prior Law Firms / Places of Employment: (Last 6 Years)

Dates To/From Firm Name and Address

Current Principal Areas of Practice:

1.

2.

3.

Training and Experience:

➤ Describe your trial experience over the last five years:

➤ Describe your experience with arbitration over the past five years:

➤ Describe any additional experience or training that qualifies you to be an arbitrator:

MANDATORY TRAINING

All arbitrators appointed to serve as an arbitrator in Clackamas County shall complete ongoing training of at least two (2) hours every two (2) calendar years to remain qualified.

The Clackamas County Mandatory Arbitration Training is an overview of the statutes, applicable rules, case law, and ethical considerations for arbitrators in court-annexed arbitration described in ORS 36.400 to 36.425. The Clackamas County Arbitration Commission (CCAC) will conduct training sessions from time to time and will ensure an eLearning training module and complete training manual are available upon request made to the Arbitration Clerk of the Clackamas County Circuit Court. Also, the CCAC will hold refresher training sessions annually at the Clackamas County Bar Association CLE on court procedures. These training sessions will be open to attorneys and their staff.

All new arbitrators must complete the required eLearning training module in order to qualify to be placed on the Clackamas County Court-Appointed Arbitration List.

The Commission Chair, or designee, may waive, defer or extend the time for compliance with this rule, upon application of the arbitrator for a substantial and compelling reason. Any arbitrator who fails to comply with these requirements who has not obtained a waiver, extension or deferral from the Commission Chair or designee, may be denied approval as an arbitrator or removed from the Clackamas County Court-Appointed Arbitration List. **Please Note:** the Clackamas County Mandatory Arbitration Training and training manual will contain information that is different than other counties. Therefore, all arbitrators must complete the training presented by the Clackamas County Arbitration Commission.

MANDATORY TRAINING CERTIFICATION

I certify that I have completed the Clackamas County Mandatory Arbitration Training in the following manner:

I attended the live Clackamas County Training CLE(s) on _____.
(completion date)

I viewed the Clackamas County Training CLE via video on _____.
(completion date)

Date: _____

Signature

OATH OF ARBITRATOR

(Please Initial:)

I certify that I have reviewed the Oregon Revised Statutes, Uniform Trial Court Rules, Supplemental Local Rules for Clackamas County, and the Code of Judicial Conduct relating to arbitrators and arbitration and will comply with them fully if selected.

I certify that I am a member in good standing of the Oregon State Bar and have

been admitted to a State Bar for a minimum of five (5) years or I am a retired or senior judge.

I understand the compensation of arbitrators is set at a rate of \$250 per hour, not to exceed \$2,000 except upon a showing of extraordinary conditions and approval of the Arbitration Commission Chair or designee.

I understand that all arbitrations over which I preside will be held in Clackamas County unless all parties voluntarily agree to arbitrate elsewhere.

I certify that I have attended the Clackamas County Mandatory Arbitration Training as required and am returning the Mandatory Training Certification located on page three (3) of this application.

I solemnly affirm that I will faithfully hear and examine the matters in controversy assigned to me by the court, and that I will make a just award to the best of my understanding. I understand that I will, in my role as arbitrator, abide by and be bound to all applicable Canons of Judicial Ethics prescribed by the Oregon Code of Judicial Conduct.

Date: _____

Signature

Name (Print)

Email completed application to: CLA.Arbitration@ojd.state.or.us

APPROVED

DENIED

Date: _____

Circuit Court Judge
Chair, Clackamas County Arbitration Commission

For Office Use:

Name: _____

Completed Renewal Application
 Current member of OSB in good standing
 Mandatory Training:
 Completed Scheduled
Arb. Commission Determination:
 Approved Denied Pending

**N THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
ARBITRATION COMMISSION**

RENEWAL APPLICATION TO SERVE AS ARBITRATOR
To Be Submitted Every Two (2) Years

PERSONAL INFORMATION

Name: _____

Last	First	Middle Initial	Suffix
-------------	--------------	-----------------------	---------------

E-Mail Address: _____
(mandatory)

All information previously provided in my *Application to Serve as Arbitrator* is still current; or

My updated information is attached (please attach pertinent portions of *Application to Serve as Arbitrator*).

MANDATORY TRAINING CERTIFICATION

I certify that I have completed the Clackamas County ongoing arbitration training requirements by:

I attended a live Clackamas County training CLE on _____; or

I viewed the Clackamas County training CLE on _____; or

I completed the Clackamas County eLearning training module on _____; or

I have conducted at least two Clackamas County Court-mandated arbitrations through a full hearing on the merits within the past two years.

Date: _____

Signature _____

Name (Print)

OATH OF ARBITRATOR

Please Initial:

____ I certify that I have reviewed the Oregon Revised Statutes, Uniform Trial Court Rules, Supplemental Local Rules for Clackamas County, and the Code of Judicial Ethics relating to arbitrators and arbitration and will comply with these fully if renewed.

____ I am a member in good standing of the Oregon State Bar and have been admitted to a State Bar for a minimum of five (5) years, or that I am a retired or senior judge.

____ I understand the compensation of arbitrators is set at a rate of \$250 per hour, not to exceed \$2,000 except upon showing of extraordinary conditions and approval of the Arbitration Commission Chair or designee.

____ I understand that all arbitrations over which I preside will be held in Clackamas County unless all parties voluntarily agree to arbitrate elsewhere.

____ I solemnly affirm that I will faithfully hear and examine the matters in controversy, and that I will make a just award to the best of my understanding. I understand that I will, in my role as arbitrator, abide by and be bound to all applicable Canons of Judicial Ethics prescribed by the Oregon Code of Judicial Conduct.

Date: _____

Signature

Printed Name

Email completed application to: CLA.Arbitration@ojd.state.or.us

Renewal Approved

Renewal Denied

Date: _____

Circuit Court Judge
Chair, Clackamas County Arbitration Commission

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

Plaintiff

Plaintiff/Petitioner

v.

Defendant

Defendant/Respondent

Case No: 25CVXXXXX

**ORDER OF EXEMPTION
FROM ARBITRATION**

The court has reviewed the Motion for Exemption from Arbitration filed by:

Plaintiff/Petitioner Defendant/Respondent Arbitrator

The *Motion* is:

GRANTED. The case will be removed from arbitration and returned to the jurisdiction of the court.

DENIED. The case will remain in arbitration.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
503.655.8447 <http://www.courts.oregon.gov/courts/clackamas/pages/default.aspx>

Current Date

Party's Name
Party's Mailing Address
City, State, and Zip

Re: Plaintiff vs Defendant
Case #: 25CVXXXXXX Contract

NOTICE OF ASSIGNMENT TO ARBITRATION

Trial Date: Form will populate scheduled trial date here

UTCR 13.160(4): "...The Arbitrator is given the power to enforce the rules and will be required to maintain the schedule."

NOTICE OF ASSIGNMENT TO ARBITRATION

This case has been assigned to arbitration. Both parties must complete the attached form and return the original to the Arbitration Coordinator no later than 14 days from the date of this notice. Contact information is attached.

MOTIONS: Pursuant to UTCR 13.040(3), “Once a case is assigned to arbitration, all motions against the pleadings, all motions for discovery, and all similar pretrial motions not then resolved will be submitted to the arbitrator only and be determined by the arbitrator.” Any issues relating to arbitrability, the qualification of an arbitrator, Motions for Exemption from Arbitration, Motions to Waive 91-Day Rule, Motions to Continue Arbitration, and Motions to Postpone Trial Date must be filed with the Circuit Court for judicial decision.

ARBITRATOR FEES: Each party must pay the arbitrator their pro rata share of the arbitrator's fee or provide a copy of an Order from the court that waives or defers the party's arbitration fees, within 14 days of the arbitrator's appointment. Fees are listed on the next page.

EXEMPTION: Any party seeking exemption from arbitration must file a form called a *Motion for Exemption from Arbitration* and *Order of Exemption from Arbitration*. If a form is not included, contact the arbitration clerk at 503-655-8447, option 5, or email CLA.Arbitration@ojd.state.or.us. The motion and order must be filed within **14 days** of this notice.

FORMS: Forms may be found at:

Forms may be found at:
<https://www.courts.oregon.gov/courts/clackamas/help/Pages/forms.aspx>

Clackamas County Arbitrator Fees (SLR 13.121):

- (1) Effective for cases filed on or after February 1, 2025, the arbitrator's hourly fee is \$250. **The maximum total arbitration fee is \$2000**, which shall be divided pro rata among the original parties or in accordance with the order of the arbitrator.
- (2) **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.
- (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.
- (4) In accordance with UTCR 13.120(1), if, at the conclusion of the case, the arbitrator determines that the case required extraordinary effort and time, the arbitrator may seek the parties' agreement for a fee in excess of the \$2000 maximum fee. If the parties do not agree that additional fees are warranted, the arbitrator may seek an order from the judge assigned to oversee arbitration matters at the court authorizing additional fees.
- (5) If an arbitration hearing is cancelled fourteen (14) days or more from the arbitration hearing date, the arbitrator is entitled to retain the greater of \$250 per party or compensation for the time actually spent by the arbitrator paid at the rate of \$250 per hour. Any arbitrator fee deposit in excess of these amounts must be refunded to the parties in accordance with UTCR 13.120(2). If the hearing is cancelled fewer than fourteen (14) days prior to the arbitration hearing date, the arbitrator is entitled to retain the greater of \$500 per party or compensation for the time actually spent by the arbitrator paid at the rate of \$250 per hour.
- (6) In accordance with UTCR 13.120(4), the arbitrator may preclude a party from participating in the arbitration proceeding after the transfer unless the party pays the required arbitrator fee or the party obtains a waiver or deferral of the fee from the court and provides a copy of the waiver or deferral to the arbitrator, prior to the arbitration.

NOTE: In cases where a party is granted a fee deferral by the court, the party will make payments on the fee to the court, not to the arbitrator. The arbitrator shall seek reimbursement from the court for waived or deferred arbitration fees.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
503.655.8447 <http://www.courts.oregon.gov/courts/clackamas/pages/default.aspx>

Current Date

Re: Plaintiff's Name vs Defendant's Name

Case #: **25CVXXXXX** **Contract**

NOTICE - ARBITRATOR SELECTION

Important: Attached to this Notice is the Clackamas County Court-Appointed Arbitrator List.

Attention Plaintiff(s): It is your responsibility to contact Defendant(s) to initiate discussion regarding selection of an arbitrator and to complete and return the *Arbitration Response* form to the court not later than: **Date 21 days out.**

Options for Appointment of Arbitrator:

- 1. Selection by Stipulation.** Parties may stipulate (agree) to an arbitrator from the attached list. The parties may also agree to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside of Clackamas County (who must have first consented in writing to serve as arbitrator). Such alternative arbitrators shall be required to follow all Clackamas County arbitration rules, procedures, and deadlines.

If an agreement is reached, the Plaintiff shall so indicate on the attached *Arbitration Response* form by marking the appropriate box, filling in the information of the selected arbitrator, and returning the form to the court.

- 2. Court Appointment.** If parties are unable to reach an agreement on an arbitrator within the time allowed, Plaintiff shall so indicate on the attached *Arbitration Response* form and return it to the court.

The court will appoint an arbitrator from the list upon receipt of the *Arbitration Response* form indicating no agreement has been reached, or on the 21st day if no response is received.

Clackamas County Court-Appointed Arbitration List

Name	Bar No.	Contact Information
Lawrence P Blunck	841780	Blunck Law LLC, 26188 S Gelbrich Road, Canby, OR 97013 503.266.2022 larry@bluncklaw.com
Peter R Chamberlain	781668	Chamberlain Mediation Arbitration, 1150 NW Quimby St Unit 902, Portland, OR 97209 503.380.5730 peter@chamberlainmediation.com
Andrew M Cole	890346	Cole Tait PC, 1919 Willamette Falls Dr, West Linn, OR 97068 503.650.1731 andrew@coletait.com
James M Daigle	942843	James M. Daigle PC, 1822 SW Madison Street, Portland, OR 97205 971.255.0698 jamie@daigle.law
Chris P Davis	730725	Chris P Davis PC, PO Box 25426, Portland, OR 97298 503.292.0191 cpd@chrispdavislaw.com
Joseph Durkee Jr	974566	Mr. Joseph Durkee Jr, 4835 Willamette Falls Drive, West Linn, OR 97068 971.998.6790 kjdurkee@gmail.com
Benjamin J Evans	093451	Ben Evans Law LLC, 12275 SW Second St, Beaverton, OR 97005 503.726.5207 ben@benevanslaw.com
Erica C Glaser	970441	Erica C Glaser Arbitrations, 2612 NE 23rd Ave, Portland, OR 97212 503.515.1621 erica@adroregon.com
Adam Greenman	071241	Adam Greenman Law Inc., 6627 SW 34th Ave., Portland, OR 97239 503.706.0662 adam@adamgreenmanlaw.com
Shannon L Hall	114107	Wyse Kadish LLP, 900 SW 5 th Ave Ste 2500, Portland, OR 97204 503.228.8448 slh@wysekadish.com
Timothy J Heinson	872480	Mr. Timothy J Heinson, 19530 SE Sunnyside Rd., Damascus, OR 97089 503.479.6223 tim@heinsonlaw.com
Brian Hunt	930620	Brian Hunt Law, 14780 SW Osprey Drive Ste 280, Beaverton, OR 97007 503.489.6251 brian@brianhuntlaw.com
Conrad G Hutterli	832453	Mr. Conrad G Hutterli, 1000 SW Broadway Ste 2300, Portland, OR 97205 503.299.6050 cgh083@aol.com

Name	Bar No.	Contact Information
David A Hytowitz	751929	David A Hytowitz LLC, 3601 S River Parkway Unit 2208, Portland, OR 97239 503.719.9000 dhytowitz@gmail.com
Bert P Krages II	872798	Mr. Bert P Krages II, 6665 SW Hampton Street Ste 200, Portland, OR 97223 503.597.2525 bert@krages.com
Rudy R Lachenmeier	752129	Mr. Rudy R Lachenmeier, 2708 N Crater Lane, Newberg, OR 97132 503.207.6932 rudy@oregonadr.com
Angela Lynn Laidlaw	080973	Laidlaw Family Law PC, 1001 Molalla Ave Ste 208, Oregon City, OR 97045 503.305.6894 angela@laidlawfamilylaw.com
Roger Bohman Ley	081822	Mr. Roger Bohman Ley, 1837 SW Binford Lake Parkway, Gresham, OR 97080 503.791.4913 rley@centurytel.net
Peter J Mozena	880865	Mozena Law Office, 15835 Boones Ferry Rd, Lake Oswego, OR 97035 503.850.4956 mozenalaw@gmail.com
Kurt Charles Peterson	980065	Williams Kastner, 805 SW Broadway Ste 2440, Portland, OR 97205 503.546.1453 kpeterson@williamskastner.com
Gary A Rankin	783483	Mr. Gary A Rankin, 19605 SE Debora Dr, Damascus, OR 97089 503.545.3974 garyrankin01@gmail.com
Kirkland T Roberts	814415	Mr. Kirkland T Roberts, 6501 S Macadam Ave, Portland, OR 97239 503.246.3385 kirklawful@netzero.net
Eric James Tait	954354	Cole Tait PC, 1919 Willamette Falls Dr, West Linn, OR 97068 503.650.1731 eric@coletait.com
James R Vestigo	861004	Mr. James R Vestigo, PO Box 675, Depoe Bay, OR 97341 971.310.3771 jim@vestigolaw.com
Linda Weimar	974312	Weimar Law Offices, 16100 NW Cornell Rd Ste 240, Beaverton OR 97006 503.640.5000 linda@weimarlaw.com
Kent C Whitaker *May be selected by stipulation only	701605	Mr. Kent C Whitaker, 18160 Cottonwood Rd PMB 414, Sunriver, OR 97707 503.504.4870 whitakerlaw@hotmail.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
503.655.8447 <http://www.courts.oregon.gov/courts/Clackamas/Pages/default.aspx>

Current Date

Re: Plaintiff
vs
Defendant

Case #: **25CVXXXX** **Contract**

ARBITRATION RESPONSE

Instructions to Plaintiff: Please mark the appropriate option below and return this form to the court by **Date 21 days out**.

Parties have stipulated (agreed) on the arbitrator named below:

Name: _____ Bar number: _____
Address: _____ Phone: _____

Email address: _____

Parties are unable to agree on an arbitrator. The court should appoint.

Date

Signature of Plaintiff/Attorney for Plaintiff

Printed Name

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

Current Date

Party's Name

Party's Mailing Address

City, State and Zip

Re: Plaintiff vs Defendant

Case #: **25CVXXXX** Contract

Notice to Unrepresented Litigants in Arbitration

IMPORTANT! PLEASE READ THIS!

- Arbitration rules/procedures/time limits are set forth in [ORS 36.405 – 36.425](#) and [UTCR Chapter 13](#).
- You are expected to comply with the rules and deadlines; failure to do so may result in a judgment against you. The court does not notify you of these deadlines. Please read all pages of this notice carefully.
- Please contact the Clackamas Collections department at 503.655.8447, option 6 to speak with a clerk regarding how to submit an *Application for Fee Waiver or Deferral* of the arbitration fee.
- Mail Arbitrator fees directly to the Arbitrator, not the court.

Court personnel may not give legal advice.

If you need legal advice, please contact the Oregon State Bar Lawyer Referral Service at 503-684-3763.

Contact Information.

Upon receiving this notice, please **immediately fill out the next page**, take a picture of it with your phone, and then email it to the court by scanning the QR code or sending it to CLA.Arbitration@ojd.state.or.us. You may also **mail the completed form to: Clackamas County Circuit Court, 807 Main St., Oregon City, OR 97045**. Email will be the arbitrator's primary method of contact with you, unless you tell them otherwise. **You must check your email inbox regularly**, including your spam folder, for communication from the arbitrator.

Next Steps:

You will be notified when an arbitrator is assigned to your case. You may not contact the arbitrator unless you include all other parties to the case in the communication.

Re: Plaintiff vs Defendant
Case #: 25CVXXXXX Contract

NOTICE OF CONTACT INFORMATION FOR UNREPRESENTED PARTY

PARTY'S NAME: _____

PARTY'S EMAIL ADDRESS: _____

PARTY'S MAILING ADDRESS: _____

PARTY'S CELL PHONE: _____

PARTY'S HOME PHONE: _____

Take a picture of this completed form and then
scan the code below to email it to the court.



ARBITRATION INFORMATION

This case has been referred to arbitration because the claim made by Plaintiff/Petitioner is for \$50,000.00 or less. Arbitration is an alternative method to resolve disputes. An arbitrator will be assigned to your case. Under Uniform Trial Court Rules (UTCR) in Chapter 13, an arbitrator has the authority to:

1. Decide procedural issues arising before or during the arbitration hearing, except issues relating to arbitrability or the qualification of an arbitrator. The court may entertain a challenge to the qualification of an arbitrator on grounds that could not be discovered prior to assignment of the arbitrator to the case.
2. Invite, with reasonable notice, the parties to submit trial briefs.
3. After notice to the parties, examine any site or object relevant to the case.
4. Issue a subpoena, enforceable in the manner described in [ORS 36.675](#).
5. Administer oath or affirmations to witnesses.
6. Rule on the admissibility of evidence in accordance with these rules.
7. Determine the facts, apply the law and make an award; perform other acts as authorized by these rules. (8) Determine the place, time and procedure to present a motion before the arbitrator, including motions for Summary Award (known as Summary Judgment under [ORCP 47](#)).

The arbitration hearing is essentially a trial, where a decision will be made by the arbitrator. The arbitrator acts as a judge for this case. They are neutral and can only make a decision based upon the evidence and testimony presented at the arbitration hearing. All parties, including those that are not represented by an attorney, must follow the rules below and provide evidence.

You are strongly encouraged to read and inform yourself of the rules of arbitration. They can be found in [ORS 36.405 - 36.425](#), [UTCR Chapter 13](#), and [Supplementary Local Rules Chapter 13](#) for the county in which the case is filed. You can look these rules up online, or in the Law Library in the county where the case is pending.

Each party to the case has the burden to prove their side. In debt collection cases, for instance, the plaintiff has a burden to prove the validity of the debt owed by the defendant(s), and each defendant has a burden to prove their defenses. The party who prevails (wins), may be awarded a judgment against the losing party(ies) that includes not only the original requested debt but also their filing fee, the service fees they incurred, their portion of the arbitration fee, often a substantial prevailing party fee, and sometimes their attorney fees (if the prevailing party is represented by an attorney).

PRE-HEARING STATEMENTS

At least 14 days prior to the date of the arbitration hearing, each party MUST submit the following items to the arbitrator, and serve a copy upon all other parties:

1. A list of all exhibits to be offered. The list must show or be accompanied by a description of the document and the name, address and telephone number of the person who created the list. If an exhibit includes an estimate of property damage on a letterhead or a printed bill, the party intending to offer the estimate must forward with a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the received bill showing the items of repair and the amount paid.

Each party, upon request, must make any exhibits available for inspection and copying by other parties.

2. A list of witnesses the party intends to call at the arbitration hearing with their addresses and telephone numbers and a statement of the matters about which each witness will be called to testify.
3. An estimate as to the expected length of the hearing.

For information on serving or responding to either Requests for Production or Requests for Admissions see the Oregon Rules of Civil Procedure Rules [43](#) and [45](#) and for sanctions for improper responses see ORCP [46](#).

At any point in time, parties may reach an agreement to settle their case. Settlement prior to the arbitration hearing allows, for example, a potential debtor to avoid having a judgment issued against them for prevailing party fees, costs and attorney fees as mentioned above.

Parties may only talk about settlement agreements between themselves and must NOT include the arbitrator in any settlement discussions. The arbitrator is not supposed to know about any offers made by either side in case the arbitrator ends up hearing and deciding the case.

Additionally, neither side is allowed to contact the arbitrator on any other subject without including the other side in the communication.

At any point in the case, including during the arbitration process, a party may choose to consult with and/or hire an attorney.

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

Plaintiff

Case No: 25CVXXXXX

Plaintiff

v.

**ORDER APPOINTING
ARBITRATOR**

Defendant

Defendant

The arbitrator named below is appointed to this case by the court:

Arbitrator's Name

Arbitrator's Mailing Address

City, State, and Zip

Arbitrator's Phone Number

(Mark this box only if applicable): A previously-appointed arbitrator is unable to serve.

(Date)

(Judicial Signature)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
503.655.8447 <http://www.courts.oregon.gov/courts/clackamas/pages/default.aspx>

Current Date

Party's Name
Party's Mailing Address
City, State and Zip

Re: Plaintiff vs Defendant
Case #: [25CVXXXX](#) Contract

NOTICE OF APPOINTMENT AS ARBITRATOR

You have been appointed as the arbitrator in the above case. If you are unable to serve or must disqualify yourself, notify the court immediately written letter or by email to cla.arbitration@ojd.state.or.us.

Please schedule a hearing in accordance with UTCR 13.160 and SLR 13.131.

Failure to comply with all arbitration rules and time limits may result in removal from arbitration or dismissal of the case.

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

CASE NO: 25CVXXXXX

Plaintiff

Plaintiff

v.

**ARBITRATOR'S NOTICE
OF ARBITRATION HEARING
DATE**

Defendant

Defendant

The arbitrator has scheduled a hearing:

Date: _____ Time: _____ AM PM

*Location: _____

*If hearing is to be held virtually, attach link on next page.

This date is within 91 days from assignment of the case to the arbitrator.

This date is more than 91 days from assignment of the case to the arbitrator and must be approved by the arbitration judge. A separate Motion and proposed order requesting waiver of the 91-day rule are being filed contemporaneously with this notice.

Instructions: Submit this document in File & Serve as a Notice – Arbitration Hearing Date (HGAR). If the hearing date is further out than 91 days of assignment, you must file a Motion and proposed order requesting the court waive 91-Day Rule

CERTIFICATION

I hereby certify that the above information is accurate and that I have sent copies of this notice to all parties/attorneys of record on _____ day of _____, 20_____.

Date

Signature of Arbitrator

Printed Name

Arbitration Hearing Virtual Link:

Case # _____

Parties: _____ **vs** _____

Date/Time: _____

Meeting Information:

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

CASE NO: _____

Plaintiff/Petitioner

v.

Defendant/Respondent

MOTION TO:

Change Arbitration Date
 Waive 91-day Rule

The Arbitrator is requesting the court:

Allow a change to the arbitration hearing date with the new date to be scheduled as requested below, based on parties' stipulations, or the arbitrator's allowance. (*If the new date falls beyond 91 days from the date the case is assigned to the arbitrator, mark the next box as well*)

Date: _____

Time: _____

AM PM

Location: _____

*If hearing is to be held virtually, attach link on next page.

This date DOES exceed the 91-day rule and must be submitted to the judge in this case. The hearing could not be set within 91 days because: _____

This date is more than 91 days from assignment of the case to the arbitrator and must be approved by court order. A proposed Order is being submitted contemporaneously with this motion.

NOTE: Do not use these forms if your requested hearing date is more than 180 days from assignment of the case to the arbitrator. SLR 13.131(2) requires you to file a Motion, Declaration and Order to Continue Arbitration.

Date

Arbitrator (signature)

Arbitrator Name (printed)

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

CASE NO: _____

Plaintiff/Petitioner

v.

ORDER ON MOTION TO:

Change Arbitration Date
 Waive 91-Day Rule

Defendant/Respondent

The court has reviewed the Motion to Change Arbitration Date and/or Waive 91-Day Rule and set the arbitration hearing date as shown below:

Date: _____

Time: _____

AM PM

Location: _____

*If hearing is to be held virtually, include link below:

Meeting Information:

The *Motion* is:

GRANTED or **DENIED**

Judge Signature:

Submitted by:

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Certificate of Readiness under UTCR 5.100

I certify this proposed order is ready for judicial signature because (*check all that apply*):

- Service is not required under UTCR 5.100 (1)(c) because this order is being submitted in open court with all parties present.
- Each party affected by this order has stipulated to or approved the order, as shown by the signatures on the order, or by written confirmation sent to me.
- I have served (complete service section below) a copy of this order and the Notice of Proposed Order to all parties entitled to service. And:
 - No objection has been served on me within the 7-day time frame.
 - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100 (if applicable)

I certify that on (date) _____: I placed a true and complete copy of this proposed order in the US mail to (name) _____ at (address) _____

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

CASE NO: _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**MOTION TO CONTINUE
ARBITRATION; AND DECLARATION
IN SUPPORT**

Hearing Date Requested More than
180 Days from Assignment to
Arbitrator

MOTION

Comes now the Arbitrator Plaintiff/Petitioner Defendant/Respondent in this case, and requests the Court continue arbitration in this matter. An arbitration hearing has not been completed within 180 days of assignment to the arbitrator.

DECLARATION

The court requires a showing of extraordinary circumstances to set an arbitration hearing beyond 180 days from assignment of the case to the arbitrator for the case to not be removed from arbitration. Please explain the reason for the delayed setting and why the matter should be continued:

I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

The arbitrator or the party(ies) are requesting the court continue the case in arbitration and allow the hearing date below to be scheduled.

Date: _____ Time: _____ AM PM

Location: _____

*If hearing is to be held virtually, include link below:

Meeting Information:

Certificate of Mailing

I certify that on *(date)*: _____ I placed a true and complete copy of this *Motion and Declaration* in the United States mail to *(name)*: _____ at *(address)*: _____

Date

Signature

Print Name

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

CASE NO: _____

Plaintiff/Petitioner

v.

Defendant/Arbitrator

**ORDER CONTINUE
ARBITRATION**

(Hearing Date Requested More than
180 Days from Assignment to
Arbitration)

The court has reviewed the Motion to Continue Arbitration which requests the arbitration hearing be scheduled on the date shown below:

Date: _____

Time: _____

AM PM

*Location: _____

*If hearing is to be held virtually, include link below:

Meeting Information:

The *Motion* is:

GRANTED or **DENIED**

Judge Signature:

Submitted by:

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Certificate of Readiness under UTCR 5.100

I certify this proposed order is ready for judicial signature because (*check all that apply*):

- Service is not required under UTCR 5.100 (1)(c) because this order is being submitted in open court with all parties present.
- Each party affected by this order has stipulated to or approved the order, as shown by the signatures on the order, or by written confirmation sent to me.
- I have served (complete service section below) a copy of this order and the Notice of Proposed Order to all parties entitled to service. And:
 - No objection has been served on me within the 7-day time frame.
 - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100 (if applicable)

I certify that on (date) _____: I placed a true and complete copy of this proposed order in the US mail to (name) _____ at (address) _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
807 Main St Oregon City Oregon 97045
503.655.8447 <http://www.courts.oregon.gov/courts/clackamas/pages/default.aspx>

Current Date

Arbitrator's Name
Arbitrator's Mailing Address
City, State and Zip

Re: Plaintiff vs Defendant
Case #: 25CVXXXXX Contract

The court has not yet received a Notice of Arbitration Date or the Arbitration Award.

Please submit the required information or a request for an extension of time. If the court does not receive this information within 30 days you may be removed as arbitrator on this case.

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

CASE NO: _____

Plaintiff/Petitioner

v.

ARBITRATOR'S NOTICE OF:

Bankruptcy
 Settlement

Defendant/Respondent

Settlement: This case has been settled. No arbitration award will be filed. Clackamas County Court will send parties a 28-Day Notice of Dismissal.

Parties are instructed to file final documents (including a General Judgment) with the court within 30 days.

Bankruptcy: I have been informed that a party to this case has filed for bankruptcy (attach copy of *Bankruptcy Notice, or other information if available*).

Arbitrator Certification

I certify that the above information is accurate and that I have sent copies of this Notice to all parties/attorneys of record.

Date

Arbitrator (signature)

Arbitrator Name (printed)

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

Case No:

Plaintiff/Petitioner

v.

Defendant/Respondent

**REQUEST FOR EXTENSION
OF TIME FOR FILING AWARD**
UTCR 13.220(2)

I am the arbitrator appointed in the above-entitled action. I request an extension of time for filing the arbitration award in this case for the following reasons:

I will notify the parties of any extension granted.

I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.

Date

Signature

Print Name

OSB #

Contact Address

City, State, Zip

Contact Phone

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

Plaintiff

Plaintiff/Petitioner

v.

Defendant

Defendant/Respondent

Case No: 25CVXXXXX

**ORDER GRANTING
EXTENSION OF TIME FOR
FILING AWARD**

The court has reviewed the Request for Extension of Time for Filing Award filed by the arbitrator in this case.

The *Request* is:

GRANTED. The arbitrator will have until (date will be filled in by judge) (date) to file the award.

DENIED.

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

Case No: _____

Plaintiff/Petitioner

v.

ARBITRATION AWARD
(ORS 36.425)

Defendant/Respondent

An arbitration hearing was held on _____ day _____, 20_____, and the following award is made:

ARBITRATION AWARD

The claims of the parties have been resolved as follows:

Judgment/Award for:

- Plaintiff/Petitioner and against Defendant/Respondent.
- Defendant/Respondent and against Plaintiff/Petitioner.

The prevailing party is also awarded:

- Costs: \$ Reasonable attorney fees¹: \$
- Prevailing party fee: \$

MONEY AWARD

Creditor's Name and Address:	
Creditor's Attorney Name, Address and Phone Number:	
Debtor's Name and Address:	
Debtor's Attorney Name, Address and Phone Number:	

¹ If attorney fees are awarded, findings are required. The arbitrator represents that additional page(s) are attached to explain the basis and reasoning for the award of attorney fees.

Debtor's Year of Birth:		Tax ID/Last 4 SSN:	
Last 4 Digits of Driver License and State:			

No person or public body, as defined in ORS 174.109, other than Judgment Creditor and Judgment Creditor's attorney, that is known by the judgment creditor to be entitled to any portion of the money award except:

Total amount award by this judgment is \$ _____, which includes:

1. Money Award: \$	2. Prejudgment Interest: \$
3. Costs & Disbursements: \$	4. Attorney Fees: \$
5. Prevailing Party Fee (listed at ORS 20.190): \$	

Prejudgment Interest

Amount/Rate of Interest:	Balance upon which it accrues: \$
Date upon which interest runs: <input type="checkbox"/> simple <input type="checkbox"/> compounded	
At following interval(s):	
Additional Information:	

Post judgment Interest

Amount/Rate of Interest:	Balance upon which it accrues: \$
Date upon which interest runs: <input type="checkbox"/> simple <input type="checkbox"/> compounded	
At following interval(s):	
Additional Information:	

Date

Arbitrator (signature)

Printed Name

Arbitrator's Office Address: _____

The arbitrator's award shall be entered as a final judgment 30 days from the date the arbitration award is filed unless; 1) a notice of appeal has been timely filed OR 2) a judgment of dismissal has been filed with the Trial Court Administrator.

To Appeal This Award

Time within which Appeal Must Be Filed: ORS 36.425(2)(a) “Within 20 days after the filing of a decision and award with the clerk of the court under subsection (1) of this section, a party against whom relief is granted by the decision and award or a party whose claim for relief was greater than the relief granted to the party by the decision and award, but no other party, may file with the clerk a written notice of appeal and request for a trial de novo of the action in the court on all issues of law and fact. A copy of the notice of appeal and request for a trial de novo must be served on all other parties to the proceeding. After the filing of the written notice a trial de novo of the action shall be held. If the action is triable by right to a jury and a jury is demanded by a party having the right of trial by jury, the trial de novo shall include a jury.”

ORCP 10 B may apply to the time for filing the notice of appeal. See *Guess v. Lee*, 198 Or App 304 (2005).

Fees and Deposit Required: At the time of filing a notice of appeal, the party filing must also satisfy the requirements of ORS 36.425 (2)(b) and (c), which provide:

(b) If a party files a written notice under paragraph (a) of this subsection, a trial fee or jury trial fee, as applicable, shall be collected as provided in ORS 21.225.

(c) A party filing a written notice under paragraph (a) of this subsection shall deposit with the clerk of the court the sum of \$159. If the position under the arbitration decision and award of the party filing the written notice is not improved as a result of a judgment in the action on the trial de novo, the clerk shall dispose of the sum deposited in the same manner as a fee collected by the clerk. If the position of the party is improved as a result of a judgment, the clerk shall return the sum deposited to the party. If the court finds that the party filing the written notice is then unable to pay all or any part of the sum to be deposited, the court may waive in whole or in part, defer in whole or in part, or both, the sum. If the sum or any part thereof is so deferred and the position of the party is not improved as a result of a judgment, the deferred amount shall be paid by the party according to the terms of the deferral."

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing ARBITRATION AWARD on the following:

By: MAIL FAX EMAIL HAND DELIVERY

Date

Signature

Printed Name

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

CASE NO: _____

Plaintiff/Petitioner
v.

Defendant/Respondent

**NOTICE OF APPEAL
RE ARBITRATION AWARD
AND REQUEST FOR TRIAL
DE NOVO
[ORS 36.425(2)(a)]**

I, Plaintiff/Petitioner Defendant/Respondent,

am a party in this action against whom relief is granted by the decision and award of the arbitrator; **or**
 am a party whose claim for relief was greater than the relief granted to the party by the decision and award of the arbitrator.

I hereby give notice of appeal from the arbitration award filed with the court on
_____ (date), and request a trial de novo on all issues of law and fact.

Date Signature

Printed Name

Contact Address City, State, Zip Phone Number

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

Case No: 25CVXXXXX

Plaintiff

Plaintiff

v.

GENERAL JUDGMENT
 AND MONEY AWARD

Defendant

Defendant

The court finds that no Appeal of Arbitration has been filed within the time permitted by law.

Therefore, the attached Arbitration Award is hereby entered as the final judgment of this court.

(Clerk will attach a copy of the previously filed Arbitration Award and submit to Arbitration Judge for review and signature.)

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

Plaintiff/Petitioner
V.

Defendant/Respondent

Case No.

V.

Plaintiff/Petitioner

ARBITRATOR'S ITEMIZATION OF TIME UTILIZED

Defendant/Respondent

Case was Resolved by:

- Settlement
- Hearing held and award filed

Itemization of Time Illustrated by:

- Itemization attached
- Details listed below

Date	Hours	Activity
------	-------	----------

TOTAL HOURS: _____ $\times \$250.00 =$ _____

Fees:

- Pursuant to Clackamas County SLR 13.121, the arbitrator fee was set at \$250.00 per hour for a maximum of \$2,000.
- Attached is a court order illustrating that for good cause shown of extraordinary conditions the fees were permitted to exceed \$1,400.

CERTIFICATION

I certify that the above information is accurate and that I have sent copies of this notice to all parties/attorneys of record.

Date:

Signature

Printed Name

(* This form to accompany the Arbitration Award/ Settlement. Send original to Court and copies to each party. The Arbitrator shall refund to parties any deposit in excess of the Arbitrator's actual fee.)

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

Case No. _____

V. Plaintiff/Petitioner Arbitrator's Request for Payment of
Defendant/Respondent Arbitrator Fee

In accordance with SLR 13.122(4), I certify to this court the following:

1. A waiver or deferral of arbitrator fee was granted by the court (copy attached).
2. Arbitrator's Itemization of Time Utilized statement (attached).
3. Hours of service the arbitrator

provided is: **Total Hours:** _____

Hours charged to person who
qualified for waiver or deferral: _____

**I hereby declare that the above statement is true to the best of my knowledge
and belief, and that I understand it is made for use as evidence in court and I
am subject to penalty for perjury.**

Date: _____ **Arbitrator's Signature**

OSB # _____ **Printed Name**

Tax ID # _____

MISCELLANEOUS FOR ARBITRATORS
(begins next page)

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

In the Matter of the Approval of the
Undersigned's Qualifications to Serve as an
Arbitrator in the Mandatory Arbitration
Program for the Clackamas County Circuit
Court

Case No. Number

OATH OF THE ARBITRATOR

I solemnly swear or affirm that I will faithfully and fairly hear and examine the
matters in controversy and that I will make a just award to the best of my
understanding. I agree to perform my duties in accordance with the Clackamas County
Supplemental Local Rules, the Uniform Trial Court Rules, and the Oregon Revised
Statutes that apply. I understand that I will, in my role as arbitrator, abide by and be
bound by all applicable Canons of Judicial Ethics prescribed by the Oregon Code of
Judicial Conduct.

Date: _____

Arbitrator's Signature

Arbitrator's Name (Print)

[LETTERHEAD]

Via U.S. Mail and by email

DATE

Name
Street Address
City, State, ZIP

Re: *Appointment of Arbitrator*
Case Name
County Case No. _____

Dear NAMES OR ROLES:

This letter confirms that I have been appointed to conduct arbitration in the above- referenced case. Please review the following items:

Date, Time and Location of Arbitration: The court requires that the arbitration hearing in this case be conducted by DATE, no more than 91 days after my appointment. I have tentatively scheduled the arbitration hearing on my calendar to commence on DAY OF WEEK, DATE, beginning at TIME, at my office (located at ADDRESS).

My calendar is currently also flexible for LIST 1-3 ALTERNATIVE DATES. Therefore, if either of you have a conflict for the date tentatively selected, please coordinate between yourselves and contact my office to schedule one of the other alternate dates I have proposed. If I do not hear from you within the next week, I will send you a notice of arbitration hearing date for PREFERRED DATE. Please advise me how long you expect the arbitration to last.

Arbitrator Fee and Deposits: My services will be billed at \$250.00 per hour and will be divided equally between each party. Pursuant to Clackamas County Supplemental Local Rule 13.121, a deposit of \$500.00 is required from each party within 14 days of this letter. This amount will be credited toward the \$2000 total maximum arbitration fee (total fee is divided equally between each party). Please make payment to (PRACTICE NAME) **within 14 days from the date of this letter.**

Clackamas County SLR 13.121 requires the balance of the parties' maximum total arbitration fee to be paid upon the earlier of:

1. The filing of a motion by any party upon which the arbitrator must rule; or
2. Within 30 days of the first scheduled arbitration hearing date.

Pursuant to ORS 36.400(4) and UTCR 13.120(4), non-payment of fees by a party in a timely manner may preclude the party from appearing or participating at the hearing or presenting evidence. If that happens, the case may very well be decided against the non-paying party. Any party who is unable to pay the arbitration fee as described may apply to the court for a fee waiver or deferral within 14 days of the case being transferred into arbitration. **If a party has obtained a fee waiver or deferral from the court that includes their arbitration fee, that party must provide that to me immediately.**

Applicable Rules: I encourage you to review Oregon Revised Statutes (ORS) 36.400 et. seq., Chapter 13 of the Uniform Trial Court Rules regarding arbitrations, and Chapter 13 of the Clackamas County Supplemental Local Rules regarding further specifics on local arbitrations.

These statutes and rules, together with the Oregon Rules of Civil Procedure, can be located at the court's website: www.courts.oregon.gov/courts/clackamas/Pages/default.aspx or at the Clackamas County Law Library, located at 1000 Courthouse Rd, Oregon City, OR.

File Copy: Plaintiff is directed to provide a copy of the entire court file to my office within 15 days of this letter.

Discovery Matters: Any discovery issues need to be raised to me no later than 15 days before the scheduled arbitration hearing.

Prehearing Statements of Proof/Pleadings/Briefs: Please provide the Prehearing Statements of Proof (with exhibits) to me at least 14 days before the scheduled arbitration hearing. These and any other arbitration-related pleadings prepared by you are not to be filed with the court, just sent to me. If a party additionally wishes to submit a legal memorandum or hearing brief, it must be less than 5 pages long and be provided to me at least 3 business days before the scheduled hearing.

You may send pleadings/ correspondence to me by mail, and/or by email to: EMAIL ADDRESS.

All arbitration pleadings, correspondence, etc. should be directed to me and not to the court.

Award/Attorney Fees/Costs: Following the hearing, I will provide a written Arbitrator's Award and set forth a procedure for determining attorney fees and costs, if appropriate. Under the Arbitration rules we have a short timeline; please anticipate that the parties may only have 3-5 days to submit information relating to fees and costs and an equally limited time to object.

Ex Parte Communications: The parties should be aware that ex parte communications with the arbitrator regarding the merits of the case are not permitted. To ensure that no ex parte communications take place, be advised that I will not speak by phone with any party except for scheduled phone conferences with notice to both parties and an opportunity for each party to participate. Additionally, I will not open or review any emails or letters from any party unless it is apparent from the headings or a cc: line that all parties are copied on the email.

Settlements or Bankruptcy: If some or all parties reach a partial or full settlement or if any party files for bankruptcy, please inform all parties, my office, and the Court immediately.

I look forward to serving as your Arbitrator. Please contact my office if you have any questions about the above information.

Sincerely,

Arbitrator's Printed Name
Arbitrator's email address
Arbitrator's phone number

cc:
encl:

Name
Street Address
City, State, ZIP

Re: *Case Closing*
Case Name
County Case No. _____

Dear NAMES OR ROLES:

Enclosed are the following:

- Arbitration Award, signed, with Arbitrator Certification and Notice to All Parties Re: Appeal of Arbitration Award. I sent you an unsigned copy of this Arbitration Award last week.
- Arbitrator's Itemization of Time Utilized with Arbitrator Certification.

{Suggested options re fees}

"I have expended slightly more time on this case than the total retainer deposits I received from the parties, however I have adjusted my fees downward so that no additional payment is due."

OR

"I'm refunding any unused portion of retainer deposits in the amount of \$REFUND AMOUNT

Filing of Award: I am electronically submitting the Award and Itemization of Time to the court this date for filing. You should monitor OECI (Oregon eCourt Case Information network) for the filing date. If you do not have access to OECI, you should call the court at (503) 655-8447, option 5, for the filing date. Arbitration Awards are entered by the court very quickly after being submitted for filing.

Exceptions to award or denial of attorney fees/costs: ORS 36.425(6) provides the procedure for filing exceptions to the award or denial of attorney fees or costs within seven (7) days after the filing of the Arbitration Award.

Appeal and Request for Trial De Novo: ORS 36.425(2) provides the procedure for appealing the Arbitration Award within Twenty (20) days after the filing of the Arbitration Award. A template form, "Notice of Appeal from Arbitrator's Award and Request for Trial de Novo," is available online at the following address:

<http://www.courts.oregon.gov/courts/clackamas/help/Pages/arbitration-forms.aspx>

If a party files an appeal of the Arbitration Award with the Clackamas County Circuit Court within the 20 days after I file the Arbitration Award, both the currently scheduled settlement conference date and trial date will remain on the Circuit Court's docket.

If no appeal of this Arbitration Award is filed with the court by either party within 20 days after I file the Arbitration Award, the Arbitration Award will be final, and [prevailing party] is then directed, after the 20 days expires with no appeal, to prepare and submit to the court the appropriate Judgment form based on the arbitration decision and award. A General Judgment template form provided by the court is online at the address above. The template form should be modified, of course, to comply with all court rules/requirements. After the Judgment form is signed by the court, the court will then remove both the currently scheduled settlement conference date and trial date from its docket.

Return of documents: If you provided me with any non-electronic paper documents, please immediately inform me if you wish these paper documents returned to you.

This concludes my responsibilities as Arbitrator in this case.

Thank you.

Sincerely,

Arbitrator

End.

OREGON RULE OF EVIDENCE 603

WITNESS OATH OR AFFIRMATION

1. **Before testifying**, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation administered in a form calculated to awaken the conscience of the witness and impress the mind of the witness with the duty to do so.

2. **An oath may be administered as follows:** The person who swears holds up one hand while the person administering the oath asks:

“Under penalty of perjury, do you solemnly swear that the evidence you shall give in the issue (or matter) now pending between _____ and _____ shall be the truth, the whole truth and nothing but the truth, so help you God?” If the oath is administered to any other than a witness, the same form and manner may be used. The person swearing must answer in an affirmative manner.

3. **An affirmation may be administered as follows:** The person who affirms holds up one hand while the person administering the affirmation asks:

“Under penalty of perjury, do you promise that the evidence you shall give in the issue (or matter) now pending between _____ and _____ shall be the truth, the whole truth and nothing but the truth?” If the affirmation is administered to any other than a witness, the same form and manner may be used. The person affirming must answer in an affirmative manner. [1981 c.892 §45]