

**In the Circuit Court of the State of
Oregon for the County of Clatsop**

**GUIDE TO
CLATSOP CIRCUIT COURT**

**The Honorable Dawn McIntosh, Presiding Judge
The Honorable Cindee Matyas
The Honorable Beau Peterson**

Julie Vredevelde, Trial Court Administrator



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Court Location

Clatsop County Circuit Court is located in the Clatsop County Courthouse at:
749 Commercial Street
Astoria, Oregon

The mailing address is:
P.O. Box 835
Astoria, Oregon 97103

Court staff and public windows are on the main level.

The Family Resource Center is on the main level.

Courtrooms:

Courtroom 100 is on the lower level.

Courtroom 200 is on the main level.

Courtroom 300 is on the upper level.

Telephone and Fax Numbers

The court can be reached by telephone at **(503) 325-8555**.

The court can be reached by fax at **(503) 325-8677**.

Website

The court website is located at: <http://courts.oregon.gov/courts/clatsop>

Hours of Operation

The court is open Monday through Friday from 8:00 a.m. to 5:00 p.m. except:

- Court is closed on state holidays.
- Court is closed from 4:00 p.m. to 5:00 p.m. on the first Wednesday of every month for a staff meeting.

The Family Resource Center walk in hours are:

- Monday, Wednesday, Friday from 8:30 a.m. to noon.
- Tuesday, Thursday 1:00 p.m. to 4:30 p.m.

Hybrid Calendaring System

The court uses a hybrid calendaring system. Under this system, the judges each have their own individual docket. Civil, domestic relations, and probate cases are assigned to one judge who handles them from start to finish. Criminal cases are assigned to a judge but early proceedings may be heard by the other judges. The assigned judge will manage a criminal case once it has been set for trial.

Hearings are set on the individual dockets by each judge's judicial support staff.

<u>Judge</u>	<u>Judicial Support</u>	<u>Email</u>	<u>Telephone #</u>
Judge Peterson	Katie Danen	100calendar.clatsop@ojd.state.or.us	503-325-8555 Ext. 304
Judge Matyas	Darla Aho	200calendar.clatsop@ojd.state.or.us	Ext. 339
Judge McIntosh	Jennifer Billings	300calendar.clatsop@ojd.state.or.us	Ext. 334

The judges rotate the court's general docket every two weeks. Proceedings set on the general docket include, but are not limited to, the following: arraignments, criminal case management conferences, protective order first appearances, violation trials, landlord/tenant hearings, small claims hearings and civil commitment hearings.

General docket calendaring staff set hearings on the general docket. The email address for general docket calendaring is Docket.clatsop@ojd.state.or.us, and the telephone number is [503-325-8555 Option 5](tel:503-325-8555).

Case Management in Criminal Cases

Arraignments

In-custody arraignments are held at 1:15 p.m. daily.

Out-of-custody felony arraignments are set at 1:30 p.m. every weekday except Thursday.

The jail gives days/times for arraignment or appearance to defendants who do not have a current court date scheduled at the time of their release.

Misdemeanor arraignments are held at 2:00 p.m. on Tuesdays.

At arraignment, the Court will accept not guilty, guilty or no contest pleas as allowed by law. Criminal cases shall be set over for case management conferences unless the defendant pleads guilty or no contest at arraignment.

Case Management Conferences

Case management conferences (CMC) are the first appearances after arraignment in criminal cases and are set on the Court's general docket approximately:

- 3 weeks from arraignment for in-custody defendants.
- 5-6 weeks from arraignment for out-of-custody defendants.

Note: A defendant who waives 60 days at arraignment will be treated like an out-of-custody defendant for purposes of CMC docketing procedures.

The district attorney (DA) is expected to provide discovery and make an offer prior to the CMC, and the defense attorney is expected to discuss the offer with the defendant prior to the CMC. The CMC will be used to determine whether the case is likely to settle or be set for trial.

Case management conferences will not be set over absent good cause. Attorneys and unrepresented parties may request a reset of a CMC if there is an unexpected conflict with the CMC date. The request should state available dates for all parties (CMC dates within 2 weeks of the original CMC date if the CMC will be reset; trial dates if there is no need for a CMC).

Misdemeanor cases not resolved within six (6) weeks after arraignment and felony cases not resolved within ten (10) weeks after arraignment will be set for trial. The trial will be set in accordance with statutory requirements and the Oregon Time to Disposition Standards.

The court sets CMCs on Wednesdays and Thursdays at 9:00 a.m. CMCs may be set at other times if necessary.

Attorneys must bring their calendars to CMCs. The DA must bring the officers' schedules.

The court may waive the CMC and set any case for trial at its option. If the parties affirm in writing to the court that the case will not resolve, the court will set the case for trial.

Pretrial Motions

If pretrial motions are filed, the motion hearing will be set as soon as practicable on the assigned judge's individual docket.

Case Management in Civil Cases

At-Issue Notices

To facilitate agreement on trial dates the court will send "at issue" notices to parties when a civil case is at issue. The attorneys/parties must identify two or three mutually agreeable trial dates within the designated period, write them on the notice, and return the notice to the court within fourteen (14) days. In addition, attorneys/parties shall identify unavailable dates. **If notices are not returned or the parties are unable to agree on a date within the designated period, the judge will pick a date convenient to the court and set the case for trial.**

Arbitration

Clatsop County Circuit Court's Arbitration Program functions under the direction of an Alternative Dispute Resolution (ADR) Commission. The commission members are Judge McIntosh, Jeremy Rust, Christopher Palmer, and Arthur Saito.

The ADR Commission has established an arbitrator compensation schedule. Arbitrators appointed as part of the court's arbitration program are compensated at the rate of \$250 an hour, up to a maximum of \$1,000 per

day. If extraordinary conditions justify a different fee, and the parties concur, the fees may be adjusted accordingly. If any party does not concur, the arbitrator shall ask the court to determine an appropriate fee.

Arbitration forms and instructions can be found on the forms page of the court's website.

Continuances

Continuances will not be allowed except for good cause. The trial date must be no later than one year from the date of filing unless a judge allows a later date.

Trial Memoranda

All trial memoranda, requested jury instructions, witness lists, motions in limine, a proposed neutral statement of the case, and exhibit lists must be received by the court and opposing counsel at least twenty-four (24) hours prior to the commencement of the trial.

Case Management in Family Law Cases

Custody/Parenting Time Evaluations

A party to a pending child custody/parenting time case may apply for county funds to assist in payment for a custody/parenting time evaluation. The party must file a motion, supported by affidavit, detailing why the evaluation is necessary and why it cannot be obtained absent the requested financial assistance. The motion shall set forth the cost of the evaluation and what amount the party is requesting. A current Uniform Support Declaration (including schedules) and completed Application for Use of County Mediation Funds is also required.

The motion must include: 1) name of evaluator as it should be on the remittance, 2) remittance address, and 3) telephone number. If the request is approved, the evaluator must provide the Court a W-9.

All requests for funds will be forwarded to the judge chairing the Clatsop County Family Law Advisory Committee for determination.

County funds will not be authorized for an evaluator's trial preparation, travel, or testimony. The party subpoenaing the evaluator will pay those costs initially, and the court may apportion the costs at trial and may order any party to repay all or a portion of the funds provided to the county.

Any party granted the use of court funds will be required to stipulate to the admissibility of the evaluation report at trial.

Case Management in Juvenile Cases

Procedures in Juvenile Delinquency Cases

At the first appearance, a youth may admit or deny allegations in the petition. If the youth denies, the case will be set for a settlement conference in approximately three (3) weeks.

At the settlement conference, the youth and his/her attorney, if any, will discuss resolution with the Clatsop County Juvenile Department staff or DA. If the case resolves, the court will hold disposition if time allows and if all parties are ready. Disposition may be set over upon request of a party.

If the case does not resolve at the settlement conference, the case will be set for adjudication.

- If the case does not resolve at the settlement conference, the parties shall advise the approximate length of trial, the number of witnesses, and other relevant matters.

Adjudications in delinquency cases will be set within 56 days whenever possible. Once adjudication is set, continuances will not be allowed absent substantial cause.

Procedures in Juvenile Dependency Cases

At the shelter or first appearance hearing, the court will give dates for settlement conference, docket call and adjudication. The Department of Human Services (DHS) caseworker will record the dates on the summons and serve the parents if they have not already been served.

- Settlement conferences generally will be set 25 to 35 days after the petition is filed.
- Adjudications generally will be set 50 to 55 days after the petition is filed and shall be held within 60 days unless the court finds good cause for delay.