

Arbitrator Compensation Schedule

Marion County Circuit Court Arbitration Program

The information provided below sets forth the relevant Uniform Trial Court Rule on arbitrator compensation and the corresponding arbitrator compensation schedule developed by the Marion County Commission on Dispute Resolution.

UTCRC 13.120 Compensation of Arbitrator

- (1) The arbitration commission shall establish a compensation schedule for arbitrators. If the arbitrator suggests that extraordinary conditions justify a different fee, and the parties concur, the fee may be adjusted accordingly. If the parties, or any of them, do not concur, the arbitrator shall direct an inquiry to the court for determination of the appropriate fee.
- (2) Within 14 days of the appointment of the arbitrator, each party must tender to the arbitrator a pro rata share of the preliminary payment for the arbitrator. Any deposit in excess of the arbitrator's actual fee will be refunded to the parties. Regardless of whether the arbitration hearing is conducted, the parties must pay a proportionate share of the arbitrator's fee. The arbitrator must submit to each party an itemized statement.
- (3) Relief from the payment of arbitration fees, in whole or in part, as provided for in ORS 36.420(3) must be applied for immediately upon a case or a small claim becoming eligible for arbitration. The court will provide the arbitrator with a copy of any order waiving or deferring all or part of the fees.
- (4) Any dispute as to the amount of the arbitrator's fee must be submitted to the court.
- (5) The arbitrator's fee may be considered a recoverable item of costs.
- (6) At the conclusion of the arbitration process, the court may enter a judgment in the arbitrator's favor and against any party who has not paid the arbitrator's fee in accordance with the schedule established under paragraph (1).

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- (1) The arbitrator shall set the appropriate fee with the agreement of all parties, prior to working on the case.
- (2) In the absence of an agreement described in subsection (1), the arbitrator's fee shall be \$125 per hour. The parties shall pay the arbitrator a \$500 deposit prior to any work being

done on the case. Each party shall be responsible for submitting his or her equal share of this deposit.

- (3) If the arbitration lasts longer than four hours, the parties shall pay the arbitrator at the rate of \$125 per hour for the additional time, including time needed for the arbitrator to conduct research necessary to make a decision. The arbitrator shall not charge more than a total of eight hours for the entire arbitration without the agreement of the parties. Any part of the deposit not expended on the arbitration shall be refunded to the parties at the conclusion of the arbitration.
- (4) In cases where the amount in controversy is \$7,500 or less the parties shall pay the arbitrator a flat fee of \$250, based on the assumption the arbitration will take no longer than two hours at a rate of \$125 per hour. Each party shall pay half of the arbitrator's fee prior to the arbitration hearing. Any part of the fee not expended for the arbitration shall be refunded to the parties at the conclusion of the arbitration.
- (5) A party who is unable to pay any or all of the arbitrator's fee prior to the arbitration hearing may request that the Court waive or defer the arbitrator's fee.
- (6) The fees established in subsections (2), (3) and (4) apply unless otherwise changed by the order of the Presiding Judge.