

**NOTICE SEEKING PUBLIC COMMENT ON
PROPOSED UTCR CHANGES FOR 2004**

I. INTRODUCTION

The Uniform Trial Court Rules (UTCR) Committee is authorized to make recommendations to the Chief Justice of the Oregon Supreme Court on proposed changes to the UTCR. At its fall meeting on October 17, 2003, the committee made preliminary recommendations on proposed changes to the UTCR. The committee will make final recommendations to the Chief Justice following the committee's next meeting on April 9, 2004.

The purpose of this notice is to solicit public comment on these proposals and the committee's preliminary recommendations. **PLEASE SUBMIT YOUR WRITTEN COMMENTS TO:**

UTCR Reporter
Supreme Court Building
1163 State Street
Salem, Oregon 97301-2563
utcr@ojd.state.or.us

You may also deliver your comments in person and offer testimony at the committee's next meeting on April 9, 2004. Additional information on this committee and the UTCR process may be found at: <http://www.ojd.state.or.us/programs/utcr/index.htm>.

In order to be considered by the committee, public comment must be received by the UTCR Reporter before the start of the committee's spring meeting scheduled for April 9, 2004, 9:00 a.m. The committee encourages you to submit comments on the proposals, the recommendations (whether for approval or disapproval), and any other action taken by the committee.

Any of the committee's final recommendations that are adopted by the Chief Justice will take effect August 1, 2004, and will be published in the Oregon Appellate Courts Advance Sheets in May or June of 2004 (No. 11 or 12).

II. FUTURE MEETINGS

The committee has two meetings scheduled:

SPRING MEETING: April 9, 2004, 9:00 a.m., at the Office of the Oregon State Court Administrator, Salem. The committee will review public comment on the proposals and recommendations explained in this notice and will make final recommendations to the Chief Justice on changes to the UTCR to take effect August 1, 2004. The committee may also reconsider any and all of these proposals, as well as the corresponding recommendations and the other committee actions.

FALL MEETING: October 8 and 9, 2004, 9:00 a.m., at the Office of the Oregon State Court Administrator, Salem. The committee will review existing and proposed Supplementary Local Rules (SLR) and make recommendations to the Chief Justice on disapproval of SLR pursuant to UTCR 1.050. This meeting is the only one in the 2004-2005 cycle at which the committee

intends to accept proposals for changes to the UTCR to take effect August 1, 2005. Committee meeting dates for the following year will be scheduled at this meeting.

III. SYNOPSIS OF FALL 2003 ACTIONS

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IV. DESCRIPTION OF FALL 2003 ACTIONS

FORMAT OF CHANGES: Wording proposed to be taken out of existing UTCR sections is in *[brackets and italics]*. Proposed new wording is **underlined and in bold**. Repealed UTCR are

not set out. In some cases, no draft wording was submitted to the committee and so none is set out in the explanation.

A. RECOMMENDATIONS OF APPROVAL. These proposals are published to solicit public comment (see Section I. Introduction).

1. **1.020(3) & (4)** - Amend to move publication of official notice of UTCR changes from the Oregon Appellate Courts Advance Sheets to the Oregon Judicial Department website.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 72, to recommend approval, passed by consensus.

REASON

The committee was concerned that a relatively small number of practitioners subscribe to the advance sheets, raising the question of whether notice is reaching enough people. More people may receive notice, and it may be more cost effective, if official notice is posted on the OJD website.

PROPOSED AMENDMENT

1.020 AMENDMENT OF THESE RULES; EFFECTIVE DATE

(1) * * *

* * * * *

(3) Proposed amendments to the UTCR will be [*published in*] **posted on** the [*Oregon Appellate Courts Advance Sheets*] **Oregon Judicial Department website** (<http://www.ojd.state.or.us>) and will allow no less than a 49-day period for public comment.

(4) Once approved by the Chief Justice, the final rules with any amendments which are adopted will be [*published in*] **posted on** the [*Oregon Appellate Courts Advance Sheets*] **Oregon Judicial Department website** (<http://www.ojd.state.or.us>) no less than 49 days before their effective date.

2. **1.080(3)** - Amend to reserve Chapter 20 for placement of SLR concerning voluntary arbitration.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 92, to recommend approval, passed by consensus.

REASON

At least one judicial district has a Chapter 20 in its Supplementary Local Rules (SLR) for voluntary arbitration. Others may wish to implement similar rules, especially in light of recent legislative changes in this area of the law. The

committee concluded this was sufficient reason to specifically reserve Chapter 20 in the SLRs for rules on voluntary arbitration.

PROPOSED AMENDMENT

1.080 FORMAT AND LOCATION OF COURT RULES

(1) * * *

* * * * *

(3) SLR must be numbered as closely as possible to and in the same chapter as related UTCR, without using numbers reserved for UTCR. The following chapter numbers are reserved for the placement of SLR related to the subjects described for the chapter numbers:

(a) * * *

* * * * *

(g) Chapter 20, SLR relating to voluntary arbitration.

3. **2.010(7)** - Amend to require attorneys and litigants to provide fax numbers and e-mail addresses.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 73, to recommend approval, passed by consensus.

REASON

This information fits with the other information the rule requires, and this change would make it easier for practitioners and parties on the other side to find this information. The committee noted, however, that this information for attorneys is readily available in the bar directory. The committee also discussed the possibility that some attorneys, especially prosecutors, may not wish to have this information publicly available in the court file.

PROPOSED AMENDMENT

2.010 FORM OF DOCUMENTS

The form of all documents, including pleadings and motions, except where a different procedure is specified by statute or rule, must be:

(1) * * *

* * * * *

(7) Attorney or Litigant Information

All documents must include the author's name, address, telephone number, **fax number, and e-mail address**, if any, and, if prepared by an attorney, the name and the Bar number of the author and the trial attorney assigned to try the case. Any document not bearing the name and Bar number of an

attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form as set out in Form 2.010.7 in the UTCR Appendix of Forms.

(8) * * *

* * * * *

4. **2.090** - Amend to grant discretionary authority to the court to consolidate cases into one file.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 74, to recommend approval, passed by a vote of 8-3.

REASON

The current rule requires parties, in certain circumstances, to file copies of documents in multiple files. The proposed change would allow the court to order that documents be filed in only one specific file, with a resulting savings in paper, costs, and time for the courts and the parties.

PROPOSED AMENDMENT

2.090 FILINGS FOR CONSOLIDATED CASES

Cases that are consolidated are consolidated for purposes of hearing or trial only. All pleadings, memoranda, and other documents applicable to more than one file will be filed in each case under existing captions and case numbers **unless otherwise ordered by the court.** **Unless otherwise ordered by the court,** [A]any document applicable to only a single file will be singly filed. It is the duty of counsel to provide the trial court administrator with sufficient documents to allow filings consistent with this rule or **a court order pursuant to this rule.**

5. **3.140(1)** - Amend to require attorneys and litigants to provide fax numbers and e-mail addresses.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 73, to recommend approval, passed by consensus.

REASON

This information fits with the other information the rule requires, and this change would make it easier for practitioners and parties on the other side to find this information. The committee also noted, however, that this information for attorneys is readily available in the bar directory. The committee also discussed the possibility that some attorneys, especially prosecutors, may not wish to have this information publically available in the court file.

PROPOSED AMENDMENT

3.140 RESIGNATION OF ATTORNEYS

(1) An application to resign made pursuant to ORS 9.380 must contain the name, address, [and] telephone number, **fax number, and e-mail address** of the party and of the new attorney, if one is being substituted, and the date of any scheduled trial or hearing. It must be served on that party and the opposing party's attorney. If no attorney has appeared for the opposing party, the application must be served on the opposing party, either in person or by certified mail, return receipt requested, to the opposing party's last known address. A notice of change or withdrawal of attorney must be promptly filed.

(2) * * *

* * * * *

6. **3.170(1)** - Amend to make grammatical changes.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 76, to recommend approval, passed by consensus.

REASON

These grammatical changes were suggested by the Honorable Edwin J. Peterson, former Chief Justice of the Oregon Supreme Court. This rule was adopted by the Oregon Supreme Court under ORS 9.241 and may be modified only by order of that court. The Reporter will bring this proposal to the attention of the Supreme Court for its consideration of the matter. General practice is for such matters to be discussed, with prior notice, at one of the regularly scheduled Supreme Court public meetings.

PROPOSED AMENDMENT

3.170 ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)

(1) An attorney authorized to practice law before the highest court of record in any state or country ("out-of-state attorney") may appear on behalf of a party in any action, suit, or proceeding pending in this state before a court or administrative body even though that attorney is not licensed to practice law in this state, if the attorney satisfies all of the following requirements:

(a) Shows that the attorney is an attorney in good standing in another state or country.

(b) Certifies[y] that the attorney is not subject to pending disciplinary proceedings in any other jurisdiction or provide a description of the nature and status of any pending disciplinary proceedings.

- (c) Associates with an active member in good standing of the Oregon State Bar ("local attorney") who must participate meaningfully in the matter.
- (d) Certifies[y] that the attorney will: comply with applicable statutes, law, and procedural rules of the state of Oregon; be familiar with and comply with the disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and the Oregon State Bar with respect to acts and omissions occurring during the out-of state attorney's admission under this rule.
- (e) If the attorney will engage in the private practice of law in this state, provides a certificate of insurance covering the attorney's activities in this state and providing professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan.
- (f) Agrees, as a continuing obligation under this rule, to notify the trial court or administrative body promptly of any changes in the out-of-state attorney's insurance or status.
- (g) * * *

(2) * * *

* * * * *

7. 4.050 - Amend to clarify whether rule applies to juvenile delinquency proceedings.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 97, to recommend approval, passed by a vote of 8-3.

REASON

The committee felt this proposal should be sent out for public comment and brought back for a more detailed discussion at the next meeting. There was concern that applying the mandatory requirements of the rule to juvenile delinquency proceedings may be burdensome in the less formal setting of a juvenile proceeding. Therefore, it may be preferable to prepare a separate rule allowing telecommunication in juvenile proceedings. See item 8. and item 9. below.

PROPOSED AMENDMENT

4.050 ORAL ARGUMENT ON MOTIONS IN CRIMINAL AND JUVENILE DELINQUENCY CASES

- (1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.

- (2) Counsel for either the state or the defense may request that a motion not requiring testimony be heard by telecommunication. The following apply to a request for oral argument by telecommunication:
 - (a) A request must be in the caption of the motion or response. If oral argument by telecommunication is requested, the first paragraph of the motion or response must include the names and telephone numbers of all parties served with the request, a statement whether the office of the requesting person is more than 25 miles from the courthouse, the

9. **5.050** - Amend to clarify whether rule applies to juvenile dependency proceedings.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 97, to recommend approval, passed by a vote of 8-3.

REASON

The committee felt this proposal should be sent out for public comment and brought back for a more detailed discussion at the next meeting. There was concern that applying the mandatory requirements of the rule may be burdensome in the less formal setting of a juvenile proceeding. Therefore, it may be preferable to prepare a separate rule allowing telecommunication in juvenile proceedings. See item 7. and item 8. above.

PROPOSED AMENDMENT

5.050 **ORAL ARGUMENT ON MOTIONS IN CIVIL AND JUVENILE
DEPENDENCY CASES**

- (1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.
- (2) A party may request that a motion not requiring testimony be heard by telecommunication. A request for oral argument by telecommunication must be in the caption of the motion or response. If argument by telecommunication is requested, the first paragraph of the motion or response must include the names and telephone numbers of all parties served with the request and a statement whether the office of the requesting person is more than 25 miles from the courthouse. The request must be granted if the office of the attorney making the request is located more than 25 miles from the courthouse. The first party requesting telecommunication must initiate the conference call at its expense unless the court directs otherwise.
- (3) "Telecommunication" must be by telephone or other electronic device that permits all participants to hear and speak with each other and permits official court reporting when requested. When recording is requested, telecommunications hearings must be recorded by the court if suitable equipment is available; otherwise, it will be provided at the expense of the party requesting recording.

1987 Commentary:

In subsection (2), a request for oral argument by telecommunication may be granted if the office of the requesting person is 25 miles or less from the courthouse; however, it is not mandatory upon the court to grant it in these circumstances.

10. **Form 5.080** - Amend to conform to ORS 20.075.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 78, to recommend approval, passed by consensus.

REASON

The form may not be consistent with ORS 20.075, new case law and ORCP 68A (2). Costs that are not statutorily authorized should not be included in the form. The form may not do a good job of providing useful information.

PROPOSED CHANGE TO FORM

Delete sections 3 and 4 of the form:

[3. *The following charges are reasonable and necessary and are not included in the hourly rates set forth above:*

- (a) *Postage:* \$ _____
- (b) *Photocopies:* \$ _____ (_____ ¢/page)
- (c) *Long Distance Telephone Charges:* \$ _____
- (d) *Mileage:* \$ _____ (_____ ¢/mile)
- (e) *Computer Research:* \$ _____
- (f) *Investigator:* \$ _____ (_____ \$ /hour)
- (g) _____: \$ _____

4. *The Court should consider the factors checked below in determining a reasonable attorney fee award, as explained more fully in Exhibit(s) _____ attached:*

- ___ *the novelty and difficulty of the questions involved;*
- ___ *skills requisite to perform the legal service properly;*
- ___ *the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;*
- ___ *fees customarily charged in the locality for similar legal services;*
- ___ *the amount involved and the results obtained;*
- ___ *the time limitations imposed by the client or by the circumstances;*
- ___ *the nature and length of the professional relationship with the client;*
- ___ *the experience, reputation and ability of the lawyer(s) performing the services; and*
- ___ *whether the fee is fixed or contingent.]*

Add new sections 3 and 4 to the form:

3. Plaintiff/Respondent is entitled to the recovery of \$ _____ for costs as authorized by _____ [cite ORCP 68A(2) and/or other authority]. As explained in Exhibit _____, such costs are billed directly to the client and are not overhead expenses already reflected in the hourly rate or fee.

4. Exhibit _____ sets forth the specific basis for the award and amount of fees as required by ORS 20.075.

11. 5.090 - Amend to make grammatical changes.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 79, to recommend approval, passed by consensus.

REASON

The proposed grammatical changes are meant to improve the form of the rule. There is no intent to change the substance of the rule.

PROPOSED AMENDMENT

5.090 NOTICE TO COURT IN WATER RIGHTS CASES

If at any time during [*the life of*] a case a party asserts a disputed water right, the party must give notice to the court that the case involves water rights. If not stated in the caption of the original complaint that begins the court case, the notice shall be in the following form:

- (1) Be on a separate piece of paper.
- (2) Include the caption **of** [*for*] the case and the case number.
- (3) Include a [*simple*] statement that the case involves water rights.
- (4) Be signed by the attorney or party.

12. 6.030(1) & (2) - Amend to make grammatical changes.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 80, to recommend approval, passed by consensus.

REASON

The proposed grammatical changes are meant to improve the form of the rule. There is no intent to change the substance of the rule.

PROPOSED AMENDMENT

6.030 POSTPONEMENT OF TRIAL [*DATE*]

- (1) A request to postpone a trial [*date*] must be by motion.
- (2) A motion to postpone a trial [*date*] must be signed by the attorney of record and contain a certificate stating that counsel has advised the client of the request and must set forth:
 - (a) * * *

* * * * *

(3) * * *

* * * * *

13. **6.060(1)** - Amend to require delivery of jury instructions and verdict forms to the trial judge rather than to “the court.”

ACTION TAKEN

Preliminarily recommended for approval.

Motion 81, to recommend approval, passed by consensus.

REASON

This change is meant to clarify that jury instructions and verdict forms should be given directly to the trial judge. The term “to the court” is somewhat ambiguous and can be interpreted to imply that the jury instructions and verdict forms should be filed with the clerk.

PROPOSED AMENDMENT

6.060 PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS

(1) All requested jury instructions and verdict forms must be in writing and delivered concurrently to the **trial judge** [court] and to opposing parties.

(2) * * *

* * * * *

14. **6.070** - Amend to conform to ORCP 59B.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 93, to recommend approval, passed by 10-1.

REASON

The proposed amendment reconciles this rule with recent changes to ORCP 59B which require jury instructions to be in writing except where that is not feasible. The proposed UTCR amendment removes portions of the rule concerning recorded jury instructions.

PROPOSED AMENDMENT

6.070 [RECORDED OR WRITTEN] JURY INSTRUCTIONS

[(1) *A party requesting written or recorded jury instructions, as provided by ORCP 59 B, shall have the responsibility for recording or reducing the court's instructions to writing in a timely manner.*

(2)] No identifying information relating to the parties or any other extraneous material, including authorities, [must] **shall** appear on [the typed or copied instructions] **submitted jury instructions**.

15. **6.130** - Amend to make grammatical change.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 82, to recommend approval, passed by consensus.

REASON

The proposed grammatical change is meant to improve the form of the rule.

There is no intent to change the substance of the rule.

PROPOSED AMENDMENT

6.130 WAIVER OF JURY TRIAL IN CIVIL CASES

No waiver of trial by jury in civil cases in circuit court shall be deemed to have occurred unless the parties notify the court of such a waiver before 5:00 p.m. of the last judicial day before trial. Thereafter, a jury trial may not be waived without the consent of the court. Failure to timely notify the court of a waiver before the day of trial may result in an assessment by the judge on one or both of the parties for the per diem fee and mileage costs of bringing in the jury panel for that [*particular*] trial.

16. **6.200(2)(b)** - Delete the phrase “trial attorney and”.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 83, to recommend approval, passed by consensus.

REASON

The phrase “trial attorney and” did not appear necessary to accomplish the intent of the rule.

PROPOSED AMENDMENT

6.200 PRETRIAL SETTLEMENT CONFERENCES

(1) * * *

(2) Each SLR under this section, if adopted, should include the following provisions:

(a) * * *

(b) Each [*trial attorney and*] party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause.

(c) * * *

* * * * *

(3) * * *

* * * * *

17. **7.010(3)(a)** - Amend to make grammatical change.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 84, to recommend approval, passed by consensus.

REASON

The proposed grammatical change is meant to improve the form of the rule. There is no intent to change the substance of the rule.

PROPOSED AMENDMENT

7.010 PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES

(1) * * *

* * * * *

(3) Not later than the date set pursuant to subsection (2), trial counsel must report the following:

(a) whether a jury trial is **requested** [*desired*];

(b) * * *

* * * * *

(4) * * *

18. **7.040** - Amend to change title.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 85, to recommend approval, passed by consensus.

REASON

The proposed title more accurately reflects the substance of the rule and actual practice.

PROPOSED AMENDMENT

7.040 **NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS**
[*NOTIFY COURT OF ACTIVITY CHANGING SCHEDULE*]

The parties shall report immediately to the court any resolution of any matter scheduled on the court's docket.

19. 7.050 Note - Delete outdated note.

ACTION TAKEN

Preliminarily recommended for approval.
Motion 86, to recommend approval, passed by consensus.

REASON

The subject of the note, ORS 46.270, was repealed by section 127, chapter 658, Oregon Laws 1995.

PROPOSED AMENDMENT

7.050 EFFECT OF BANKRUPTCY PETITION

(1) * * *

* * * * *

[NOTE: For purposes of subsection (3) of this section, ORS 46.270 continues to provide a statutory basis for dismissal of actions for want of prosecution until its repeal on 1/15/98.]

20. Chapter 8 - Adopt rule and form for a certificate regarding pending support proceedings and orders.

ACTION TAKEN

Preliminarily recommended for approval.
Motion 94, to recommend approval, passed by consensus.
Subsequently, UTCR 8.090 was adopted out-of-cycle on December 5, 2004, pursuant to CJO 03-071 in order to comply with the requirements of '03 HB 2277.

REASON

This proposal is meant to respond to HB 2277 (chapter 116, Oregon Laws 2003) which requires parties in certain domestic relations proceedings to submit a certificate listing pending support proceedings and orders. This legislation states that the certificate must be in a form established by court rule. The rule and form must be in place and effective by January 1, 2004; therefore, the new rule and form were adopted out-of-cycle by Chief Justice Order. Nevertheless, the new rule and form will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

RULE AND FORM

8.090 CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS

A certificate regarding pending child support proceedings and/or existing child support orders and/or judgments, in substantially the same form as specified in Form 8.090 in the UTCR Appendix of Forms, shall be included with motions and petitions filed pursuant to ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, and 125.025, as required by sections 3, 4, 5, 7, 8, 9, 10, and 11 of chapter 116, Oregon Laws 2003.

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

In the Matter of	<input type="checkbox"/>	the Marriage of:)	
)	Case No. _____
_____)	
		Petitioner,)	CERTIFICATE RE: PENDING CHILD
and)	SUPPORT PROCEEDINGS and/or EXISTING
)	CHILD SUPPORT ORDERS/JUDGMENTS
_____)	
		Respondent.)	(UTCR 8.090)

I hereby certify that:

1. PENDING CHILD SUPPORT PROCEEDINGS *(include any child support matter being heard by either a court or agency as part of a dissolution, separation, annulment, paternity, juvenile court, support, or modification case):*

- There is no pending child support proceeding in this or any other state involving the parties' child[ren].
- There is a pending child support proceeding in Oregon in another state which involves the parties' child[ren] as follows:
 Name/County of Court or Agency where pending: _____
 Agency Case Number: _____
 Court Case Number: _____

2. EXISTING CHILD SUPPORT ORDERS OR JUDGMENTS *(include any order/judgment whether made by an agency or a court in this or any other state, and whether or not currently effective):*

- There are no other child support orders/judgments in this or any other state involving the parties' child[ren].
- There is/are other child support orders/judgments involving the parties' child[ren], as follows:

///

///

Page 1 - FORM 8.090 — CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDINGS and/or
EXISTING CHILD SUPPORT ORDERS - UTCR 8.090

ORDER/JUDGMENT #1 (Attach a certified copy of the order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #2 (Attach a certified copy of the order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #3 (Attach a certified copy of the order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #4 (Attach a certified copy of the order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

Attach additional sheets if necessary, labeled "Attachment 1 to Certificate Re: Child Support Proceedings and Orders".

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20__.

 Petitioner Respondent, Signature

Print name

Address or Contact Address

City, State, Zip Code

Telephone or Contact Telephone

Page 2 - FORM 8.090 — CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDINGS and/or EXISTING CHILD SUPPORT ORDERS - UTCR 8.090

- 21. Chapter 8** - Adopt rule and forms for restraining order to prevent dissipation of assets and for request for hearing.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 95, to recommend approval, passed by consensus.

Subsequently, UTCR 8.080 was adopted out-of-cycle on December 5, 2004, pursuant to CJO 03-072 in order to comply with the requirements of '03 SB 801.

REASON

This proposal is meant to respond to SB 801 (chapter 414, Oregon Laws 2003) which establishes a legislatively created, automatic restraining order forbidding the dissipation of assets in certain domestic relations proceedings. This legislation states that forms for the restraining order and for a request for hearing shall be established by court rule. The rule and forms must be in place and effective by January 1, 2004; therefore, the new rule and forms were adopted out-of-cycle by Chief Justice Order. Nevertheless, the new rule and forms will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

RULE AND FORMS

8.080 STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS

- (1) The form of notice specified in Form 8.080.1 in the UTCR Appendix of Forms shall be used for the statutory restraining order established by section 2, chapter 414, Oregon Laws 2003 ('03 SB 801). The petitioner shall be responsible for assuring that a copy of the notice is attached to the summons as required by section 5, chapter 414, Oregon Laws 2003 ('03 SB 801). The notice shall not be signed by a judge.**
- (2) The request for hearing required by section 3, chapter 414, Oregon Laws 2003 ('03 SB 801) shall be in substantially the same form as specified in Form 8.080.2 in the UTCR Appendix of Forms.**

**NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS**

TO THE PETITIONER AND RESPONDENT:

REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW. SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.

PURSUANT TO section 2, chapter 414, Oregon Laws 2003, and UTCR 8.080, Petitioner and Respondent are restrained from:

1. Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.
2. Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.
3. Transferring, encumbering, concealing, or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life. This paragraph (3) does not apply to payment by either party of:
 - a. Attorney fees in this action;
 - b. Real estate and income taxes;
 - c. Mental health therapy expenses for either party or a minor child of the parties; or
 - d. Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.
4. Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. The paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms.

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

In the Matter of the Marriage of:)
_____,)
_____,) Case No. _____
Petitioner,)
and) REQUEST FOR HEARING RE:
_____,) STATUTORY RESTRAINING ORDER
Respondent.) (UTCR 8.080)

1. I am the Petitioner Respondent in the above-referenced action, and I request a hearing to:

a. Apply for further temporary orders (*specify in detail; attach additional sheets if necessary*): _____

b. Modify or revoke the following term(s) of the statutory restraining order:

i. Paragraph 1. Revoke or Modify as follows (explain): _____

ii. Paragraph 2. Revoke or Modify as follows (explain): _____

iii. Paragraph 3. Revoke or Modify as follows (explain): _____

iv. Paragraph 4. Revoke or Modify as follows (explain): _____

2. I will will not be represented by an attorney at the hearing.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

I selected this document for myself and I completed it without paid assistance.

I paid or will pay money to _____ for assistance in preparing this form.

Submitted by:

 Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

Certificate of Mailing. I certify that I mailed a copy of this Request for Hearing by U.S. Mail with postage paid to the other party, or the other party's attorney, at the following address: _____
_____ on the following date: _____.

 Petitioner Respondent, Signature Print Name

I certify that this is a true copy:

 Petitioner Respondent, Signature

22. 8.010 - Amend to make grammatical changes.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 87, to recommend approval, passed by consensus.

REASON

The proposed grammatical changes are meant to improve the form of the rule.

There is no intent to change the substance of the rule.

PROPOSED AMENDMENT

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) * * *

(2) Petitioners, when **servicing** [*providing service on*] respondents, must attach to the petition a copy of the Notice to Parties of A Marriage Dissolution as required by ORS 107.092. Copies of the notice may be obtained from the trial court administrator's office.

(3) * * *

(4) In **all** [*any*] contested dissolution of marriage, separate maintenance or annulment actions, each party must file with the trial court administrator and serve on the other party a statement listing all marital and other assets and liabilities, the claimed value for each asset and liability and the proposed distribution of the assets and liabilities. In the alternative, the parties may elect to file with the trial court administrator a joint statement containing this information.

(5) In **all** [*any*] proceedings under ORS chapters 107, 108, or 109 wherein child support or spousal support is contested, each party must file with the trial court administrator and serve on the other party a Uniform Support Affidavit in the form specified in Form 8.010.5 in the UTCR Appendix of Forms. A Uniform Support Affidavit required by this subsection must be completed as follows:

(a) * * *

* * * * *

(6) The documents required to be filed under subsections (4) and (5) above must be filed and served:

(a) at the time designated in the relevant SLR;

- (b) in the absence of an SLR **to the contrary** [thereof], not less than 14 days before the hearing on the merits unless both parties stipulate otherwise, but in any event **before** [by] the beginning of trial.
- (7) * * *
- (8) Parties who have been **requested** [ordered] to submit a proposed judgment [*in cases involving child or spousal support*] must submit the original and one copy to the trial court administrator.

23. 8.010(8) - Delete subsection (8).

ACTION TAKEN

Preliminarily recommended for approval.
 Motion 88, to recommend approval, passed by consensus.

REASON

Subsection (8) is unnecessary.

PROPOSED AMENDMENT

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE
 MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) * * *

* * * * *

[8] *Parties who have been ordered to submit a proposed judgment in cases involving child or spousal support must submit the original and one copy to the trial court administrator.*

24. 8.050(4)(d) - Amend wording concerning food stamps.

ACTION TAKEN

Preliminarily recommended for approval.
 Motion 89, to recommend approval, passed by consensus.

REASON

Conforms rule to reflect current terminology.

PROPOSED AMENDMENT

8.050 JUDGMENT MODIFICATION PROCEEDINGS

(1) * * *

* * * * *

(4) If public assistance is being provided to the minor child(ren), however, and the Support Enforcement Division (SED) of the Department of Justice either

initiates or responds to a support modification proceeding, SED must be allowed to file and serve, in lieu of the Uniform Support Affidavit, an affidavit which sets out the following information:

(a) * * *

* * * * *

(d) A statement of the value of food stamp[s] **benefits** being provided.

* * * * *

25. Chapter 9 - Delete outdated Reporter's Notes.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 91, to recommend approval, passed by consensus.

REASON

The Reporter's Notes discuss the 2001 reorganization of the chapter and renumbering of the rules. They appear at the beginning of the chapter and following 9.040, 9.050, 9.060, 9.070, 9.180, 9.190, 9.300, 9.310, and 9.320. Sufficient time has passed since the renumbering so these notes are no longer necessary.

26. 9.030 - Amend to require attorneys to provide fax numbers and e-mail addresses.

ACTION TAKEN

Preliminarily recommended for approval.

Motion 73, to recommend approval, passed by consensus.

REASON

This information fits with the other information the rule requires, and this change would make it easier for practitioners and parties on the other side to find this information. The committee noted, however, that this information for attorneys is readily available in the bar directory. The committee also discussed the possibility that some attorneys, especially prosecutors, may not wish to have this information publicly available in the court file.

PROPOSED AMENDMENT

9.030 ADDRESSES AND TELEPHONE NUMBERS REQUIRED

The name, address, telephone number, **fax number, e-mail address** and bar number of the attorney of record must be typed or printed on the last page of every petition, motion and order. The name, address and telephone number of the guardian, conservator or personal representative must be typed or printed on the last page of every order. The trial court administrator must be promptly notified by separate letter of any change in address or telephone number of any

attorney of record, unrepresented party, guardian, conservator or personal representative.

27. 9.160(1)(b) - Delete the word "interim".

ACTION TAKEN

Preliminarily recommended for approval.

Motion 90, to recommend approval, passed by consensus with one objection.

REASON

"Interim" is not the correct term for the circumstance addressed by this section of the rule.

PROPOSED AMENDMENT

9.160 FORM OF ACCOUNTINGS

* * * * *

(1) Preliminary information. The beginning of the accounting shall state:

(a) * * *

(b) If no bond is required, the date of the court order waiving the bond or a reference to the statute exempting the fiduciary from filing a bond. If a bond is required, the accounting shall state the current amount of the total bond. If a bond is required, an [*interim*] accounting shall also provide the following information.

(i) * * *

* * * * *

(2) * * *

* * * * *

B. RECOMMENDATIONS OF DISAPPROVAL. These proposals are published to solicit public comment (see Section I. Introduction).

1. Chapter 2 - Adopt a new provision to specify what constitutes a mailing for service of legal documents.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. Motion 96, to table this item until the UTCR Committee meeting on April 9, 2004, passed by consensus.

REASON

This proposal was received by the Reporter two days before the fall meeting. The committee felt it did not have enough information or time to properly consider the matter and so decided to table it. The matter will appear on the agenda for the spring meeting on April 9, 2004, and the proponent will be invited to attend the

spring meeting to discuss the proposal with the committee. The proposal will also be forwarded to the Council on Court Procedures.

PROPOSED AMENDMENT

A draft proposal was not submitted.

- 2. Chapter 2** - Adopt a new rule and form for a mandatory uniform certificate of service.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. Motion 96, to table this item until the UTCR Committee meeting on April 9, 2004, passed by consensus.

REASON

This proposal was received by the Reporter two days before the fall meeting. The committee felt it did not have enough information or time to properly consider the matter and so decided to table it. The matter will appear on the agenda for the spring meeting on April 9, 2004, and the proponent will be invited to attend the spring meeting to discuss the proposal with the committee. The proposal will also be forwarded to the Council on Court Procedures.

PROPOSED AMENDMENT

A draft proposal was not submitted.

- 3. 2.030** - Adopt a suggested form of letter to the court re: matters under advisement for more than 60 days.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

Practitioners seem to be able to accomplish this without a form letter.

PROPOSED AMENDMENT

A draft proposal was not submitted.

- 4. 3.120** - Amend to allow court-supervised contact with jurors after conclusion of case.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. Motion 75, to take no action on this proposal, passed 8-4.

REASON

This proposal was recommended for approval in the last cycle, but it was disapproved by the Chief Justice. The committee felt there was nothing more they could do with this proposal.

PROPOSED AMENDMENT

3.120 COMMUNICATION WITH JURORS

- (1) Except as necessary during trial, and except as provided in subsections (2), **(3), and (4)**, parties, witnesses or court employees must not initiate contact with any juror concerning any case which that juror was sworn to try.
- (2) After a sufficient showing to the court or judge that a juror has been influenced or prejudiced by the parties, witnesses or court employees, the court or judge may, in its discretion, take such action as it deems appropriate to protect the interests of justice, including but not limited to the following:
 - (a) Re-examine the juror.
 - (b) Re-assign the juror to another case.
 - (c) Discharge the juror and declare a mistrial.
 - (d) Take any other action that the court or judge deems appropriate.

PROPOSED AMENDMENT

3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

(1) [*Courtrooms.*] Upon request or on the court's own motion, after notice to all parties, public access coverage shall be allowed in any courtroom, except as provided under this rule.

(2) * * *

* * * * *

6. **5.030** - Amend rule to add three days to time period when service is by mail.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. Motion 96, to table this item until the UTCR Committee meeting on April 9, 2004, passed by consensus.

REASON

This proposal was received by the Reporter two days before the fall meeting. The committee felt it did not have enough information or time to properly consider the matter and so decided to table it. The matter will appear on the agenda for the spring meeting on April 9, 2004, and the proponent will be invited to attend the spring meeting to discuss the proposal with the committee. The proposal will also be forwarded to the Council on Court Procedures.

PROPOSED AMENDMENT

A draft proposal was not submitted.

7. **5.030(1)** - Delete the phrase "memorandum of authorities".

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

The proposed change did not appear to be necessary.

PROPOSED AMENDMENT

5.030 OPPOSING PARTY'S RESPONSE; TIME FOR FILING RESPONSE AND REPLY

In matters other than motions for summary judgment:

(1) An opposing party may file a written [*memorandum of authorities in*] response to the matters raised in any motion not later than 14 days from the date of service of the motion.

(2) A reply memorandum, if any, must be filed within 7 days of the service of the [*responding memorandum*] **response**.

8. 5.050 1987 Commentary - Amend to make grammatical changes.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

The proposed change did not appear to be necessary.

PROPOSED AMENDMENT

5.050 ORAL ARGUMENT ON MOTIONS IN CIVIL CASES

(1) * * *

* * * * *

1987 Commentary:

In subsection (2), a request for oral argument by telecommunication may be granted if the office of the requesting person is 25 miles or less from the courthouse; however, it is not mandatory **that** [upon] the court [to] grant it in these circumstances.

9. 5.080 - Amend rule and adopt form for affidavit supporting request for attorney fees.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. Motion 96, to table this item until the UTCR Committee meeting on April 9, 2004, passed by consensus.

REASON

This proposal was received by the Reporter two days before the fall meeting. The committee felt it did not have enough information or time to properly consider the matter and so decided to table it. The matter will appear on the agenda for the spring meeting on April 9, 2004, and the proponent will be invited to attend the spring meeting to discuss the proposal with the committee. The proposal will also be forwarded to the Council on Court Procedures.

PROPOSED AMENDMENT

A draft proposal was not submitted.

10. Chapter 6 - Adopt a new rule to require parties to submit and certify applicable interest rates.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

The proposed change did not appear to be necessary.

PROPOSED AMENDMENT

No draft language for this proposal was submitted.

11. **Chapter 6** - Adopt a new rule and form concerning HIPAA-qualified protective orders.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

The proponents concluded that the proposal was not necessary and the committee agreed.

PROPOSED AMENDMENT

The drafting of the proposal was not completed at the time the proponents recommended that the proposal was unnecessary.

12. **9.160(1)** - Amend to make a grammatical change.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

The current rule is properly worded.

PROPOSED AMENDMENT

9.160 FORM OF ACCOUNTINGS

Accountings substantially in the form specified in Form 9.160 in the UTCR Appendix of Forms, as further explained in this rule, must be accepted by all judicial districts. Accountings in this format may be made mandatory by SLR. SLR 9.161 is reserved for purposes of making such format mandatory in the judicial district:

- (1) Preliminary information. The [*beginning of the*] accounting shall state:

(a) * * *

- (2) * * *

* * * * *

13. **9.160(1)** - Amend to require submission of certain information even when a bond is not required.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

This information is needed only if a bond is required.

PROPOSED AMENDMENT

9.160 FORM OF ACCOUNTINGS

Accountings substantially in the form specified in Form 9.160 in the UTCR Appendix of Forms, as further explained in this rule, must be accepted by all judicial districts. Accountings in this format may be made mandatory by SLR. SLR 9.161 is reserved for purposes of making such format mandatory in the judicial district:

(1) Preliminary information. The beginning of the accounting shall state:

(a) * * *

(b) If no bond is required, the date of the court order waiving the bond or a reference to the statute exempting the fiduciary from filing a bond. If a bond is required, the accounting shall state the current amount of the total bond. *[If a bond is required, an interim accounting shall also provide the following information.]*

(c) An accounting shall also provide the following information:

(i) * * *

* * * * *

(2) * * *

* * * * *

14. **9.170(2)** - Amend to clarify the meaning of “has a relationship which would compromise or otherwise affect decisions made by a fiduciary.”

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

This issue was considered and discussed extensively when Chapter 9 was rewritten and reorganized. There is no reason to reconsider this issue at this time.

PROPOSED AMENDMENT

A draft proposal was not submitted.

15. **13.120(2)** - Amend to define “preliminary payment.”

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

There was insufficient information to indicate a significant problem with the rule as currently drafted.

PROPOSED AMENDMENT

A draft proposal was not submitted.

16. Chapter 15 - Adopt uniform small claims forms for defendants.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

Most of the committee felt there was no need for uniform forms for defendants. The original impetus for uniform plaintiff forms was that many plaintiffs (such as collection agencies) regularly file suit in a number of different judicial districts. Uniform plaintiff's forms allow them to use one form in all judicial districts. This is not an issue for defendants, as very few defendants are regularly sued in multiple judicial districts, and forms for defendants appear to be readily available in all the judicial districts that process small claims. Some committee members believe, however, that if uniform forms are created, then they should be created for both sides, as an issue of fairness. They also believe that a uniform response form would help with pro bono work.

PROPOSED AMENDMENT

A draft proposal was not submitted.

17. Appendix - Adopt a table of contents of forms immediately preceding the Appendix.

ACTION TAKEN

Preliminarily recommended for disapproval, by inaction. No motion made.

REASON

The proposed change did not appear to be necessary.

PROPOSED AMENDMENT

A draft proposal was not submitted.

C. OTHER ACTIONS. These items are published to inform the public and to solicit public comment (see Section I. Introduction).

1. 2.100 - Out-of-cycle adoption of new rule concerning social security number confidentiality procedures.

ACTION TAKEN

New UTCR 2.100 will be adopted out-of-cycle pursuant to Chief Justice Order. The new rule was not available for publication when this notice went to press, but it will be posted on the Oregon Judicial Department website (<http://www.ojd.state.or.us>) when it becomes available.

REASON

This new rule is part of the Oregon Judicial Department implementation plan in response to the requirements of HB 3015 (chapter 380, Oregon Laws 2003) on social security number confidentiality. This bill had an emergency clause and became effective June 16, 2003. The bill requires these procedures to be in place by January 1, 2004. Nevertheless, the new rule will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

2. **2.080** - Out-of-cycle amendment concerning social security number confidentiality procedures.

This amendment will be adopted out-of-cycle pursuant to Chief Justice Order. The amendment was not available for publication when this notice went to press, but it will be posted on the Oregon Judicial Department website (<http://www.ojd.state.or.us>) when it becomes available.

REASON

This amendment is part of the Oregon Judicial Department implementation plan in response to the requirements of HB 3015 (chapter 380, Oregon Laws 2003) on social security number confidentiality. This bill had an emergency clause and became effective June 16, 2003. The bill requires these procedures to be in place by January 1, 2004. Nevertheless, this amendment will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

3. **8.010** - Out-of-cycle amendment concerning social security number confidentiality procedures.

This amendment will be adopted out-of-cycle pursuant to Chief Justice Order. The amendment was not available for publication when this notice went to press, but it will be posted on the Oregon Judicial Department website (<http://www.ojd.state.or.us>) when it becomes available.

REASON

This amendment is part of the Oregon Judicial Department implementation plan in response to the requirements of HB 3015 (chapter 380, Oregon Laws 2003) on social security number confidentiality. This bill had an emergency clause and became effective June 16, 2003. The bill requires these procedures to be in place by January 1, 2004. Nevertheless, this amendment will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

4. **Appendix** - Out-of-cycle adoption of new forms concerning social security number confidentiality procedures.

ACTION TAKEN

New UTCR forms will be adopted out-of-cycle pursuant to Chief Justice Order. The new forms were not available for publication when this notice went to press, but they will be posted on the Oregon Judicial Department website (<http://www.ojd.state.or.us>) when they becomes available.

REASON

These new forms are part of the Oregon Judicial Department implementation plan in response to the requirements of HB 3015 (chapter 380, Oregon Laws 2003) on social security number confidentiality. This bill had an emergency clause and became effective June 16, 2003. The bill requires these procedures to be in place by January 1, 2004. Nevertheless, the new forms will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

5. **Form 8.010.5** - Out-of-cycle amendment concerning social security number confidentiality procedures.

This amendment will be adopted out-of-cycle pursuant to Chief Justice Order. The amendment was not available for publication when this notice went to press, but it will be posted on the Oregon Judicial Department website (<http://www.ojd.state.or.us>) when it becomes available.

REASON

This amendment is part of the Oregon Judicial Department implementation plan in response to the requirements of HB 3015 (chapter 380, Oregon Laws 2003) on social security number confidentiality. This bill had an emergency clause and became effective June 16, 2003. The bill requires these procedures to be in place by January 1, 2004. Nevertheless, this amendment will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

6. **Chapter 12 Mediation** - Out-of-cycle adoption of new chapter and rules.

ACTION TAKEN

Out-of-cycle adoption of new Chapter 12 on mediation, including UTCR 12.500 to 12.640, pursuant to Chief Justice Order No. 03-058 signed October 15, 2003, and effective retroactively to October 2, 2003.

REASON

SB 904 (chapter 791, Oregon Laws 2003 - amending ORS 36.200(1), 107.755(4), and 177.775(2)) requires the Chief Justice of the Oregon Supreme Court to adopt qualifications for mediators in certain court-connected mediation programs. This was part of the legislative action that dissolved the Oregon Dispute Resolution Commission. SB 904 had an emergency clause and became effective September 22, 2003; therefore, it was necessary for the Chief Justice to order implementation of the new rules as quickly as possible. Nevertheless, the new rules will be subject to public comment and discussion at the UTCR Committee meeting on April 9, 2004.

CHAPTER AND RULES 12.500 - 12.640

CHAPTER 12—MEDIATION

12.500 APPLICABILITY

The rules in UTCR 12.500 to 12.640:

- (1) Establish minimum qualifications, including education, training, experience, and conduct requirements, applicable to:
 - (a) General civil mediators as provided by ORS 36.200(1) .
 - (b) Domestic Custody/parenting relations mediators as provided by 107.775(2).
 - (c) Domestic financial mediators as provided by ORS 107.755(4).
- (2) Do not allow persons listed as qualified for one type of mediation to perform another type of mediation which requires a different qualification unless the mediator is also listed as qualified for the other type of mediation.
- (3) Do not:
 - (a) In anyway alter the requirements pertaining to personnel who perform conciliation services under ORS 107.510 to 107.610.
 - (b) Apply to persons while mediating in proceedings under ORS 107.700 to 107.730.
 - (c) In anyway to establish any requirements for compensation of mediators.
 - (d) Limit in anyway the ability of mediators or qualified supervisors to be compensated for their services.

***NOTE: CJO 03-058 which adopts these rules, provides as follows:
"Although the attached adopted UTCR change the format and modify what***

- (3) “Court-system training” means the training setout in UTCR 12.620.
- (4) “Determining authority” means an entity that acts under UTCR 12.520 concerning qualification to be a listed mediator.
- (5) “Domestic abuse training” means training in domestic violence and child abuse.
- (6) “Domestic financial mediator” means a mediator for domestic relations financial matters in circuit court under ORS 107.755 who meets qualifications under UTCR 12.570 as required by ORS 177.755(4).
- (7) “Domestic custody/parenting relations mediator ” means a mediator for domestic relations, custody or parenting time matters in circuit court under ORS 107.755 who meets qualifications under UTCR 12.560 as required by ORS 107.775(2).
- (8) “Experience requirement” means meeting requirements at a level described in UTCR 12.640.
- (9) “Family or divorce curriculum” is a curriculum that includes at least four hours in each of the following areas:
 - (a) mediation process;
 - (b) psychological issues;
 - (c) child development;
 - (d) family law; and
 - (e) family economics.
- (10) “Family studies course” means a seminar or graduate-level course work which substantially covers each of the following:
 - (a) child development;
 - (b) alcohol and drug abuse;
 - (c) domestic violence and child abuse;
 - (d) family financial planning and budgeting;
 - (e) family conflict theories and dynamics; and
 - (f) family law and divorce process.

- (11) “General civil mediator” means a mediator for civil matters in circuit court under ORS 36.189 to 36.210, including small claims and forcible entry and detainer cases, who meets qualifications under UTCR 12.550 as required by ORS 36.200(1).
- (12) “Independent qualification review” means the process described in UTCR 12.600.
- (13) “Lead trainer” means a person who is qualified at one of the levels described in UTCR 12.580.
- (14) “Listed mediator” means a mediator who a circuit court or judicial district of this state officially recognizes and shows by appropriate official documentation as being approved within that court or judicial district as a general civil, domestic custody/parenting, or domestic financial mediator for purposes of the one or more mediation programs operated under the auspices of that court or judicial district that is subject to UTCR 12.500.
- (15) “Qualified supervisor” means a person qualified as described in UTCR 12.590.
- (16) “Substance abuse training” means training in alcohol and drug abuse.

12. 520 DETERMINING AUTHORITY, DETERMINING MEDIATOR QUALIFICATIONS, OTHER RESPONSIBILITIES AND AUTHORITY

- (1) The determining authority:
- (a) Is the entity within a judicial district with authority to determine whether applicants to become a listed mediator for courts within the judicial district meet the qualifications for the appropriate listing as described in this chapter and whether listed mediators meet any continuing qualifications required by this chapter.
- (b) Is the presiding judge of the judicial district unless the presiding judge has delegated the authority to be the determining authority as provided or allowed by statute. Delegation under this paragraph maybe made to an entity chosen by the presiding judge to establish a mediation program as allowed by law or statute. A delegation must be in writing and, if, it places any limitations on the presiding judge’s ultimate authority to review and change decisions made by the delegatee, must be approved by the State Court Administrator before the delegation can be made.

- (2) Authority over qualifications. Subject to the following, a determining authority, for good cause, may allow appropriate substitutions, or obtain waiver, for any of the minimum qualifications for a listed mediator.
- (a) Except as provided in (b) of this subsection, a determining authority that allows a substitution must, as a pre-hiring condition, require the applicant to commit to a written plan to meet the minimum qualifications within a specified reasonable period of time. A determining authority that is not a presiding judge must notify the presiding judge of substitutions allowed under this section.
- (b) For good cause, a determining authority, other than the presiding judge for the judicial district, may petition the presiding judge for a waiver of specific minimum qualification requirements for a specific person to be a listed mediator. A presiding judge may waive any of the qualifications to be a listed mediator in an individual case with the approval of the Oregon State Court Administrator
- (3) The State Court Administrator may approve the successful completion of a standardized, performance-based evaluation to substitute for formal degree requirements under UTCR 12.560 or 12.570 upon determining an appropriate evaluation process has been developed and can be used at reasonable costs and with reasonable efficiency.
- (4) Each determining authority that makes determinations for domestic financial mediators shall assure reasonably current lists of qualified supervisors are provided to each court for which it makes determinations. Each court shall assure that reasonably current lists of qualified supervisors working in programs for that court are provided to the Office of the State Court Administrator.

12.530 MEDIATOR STANDARDS OF CONDUCT

A listed mediator required to meet or subscribe to standards of conduct of this section, must establish to the satisfaction of, and in the manner established by, the determining authority that the mediator meets or subscribes to all the following standards of conduct:

- (1) General responsibilities:
- (a) Mediators have duties to the parties, to their profession, and to themselves. They should be honest and unbiased, act in good faith, be diligent, and never seek to advance their own interests at the expense of the parties.

(b) Mediators must act fairly in dealing with mediation participants, have no personal interest in the terms of any settlement agreement, show no bias toward individuals or institutions involved in mediation, be reasonably available as requested by mediating parties, and be certain that the parties are informed about the mediation process in which they are involved.

(2) Responsibilities to the parties:

(a) Impartiality. The mediator must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action, and a commitment to serve all mediation participants as opposed to a single party. The mediator should disclose to the participants any affiliations which the mediator may have with any participant and obtain all parties' consent to proceed as mediator.

(b) Informed Consent. The mediator has an obligation to assure that all parties understand the nature of the mediation process, procedures to be utilized, and the particular role of the mediator. Each party's consent to proceed with mediation should be obtained early, prior to the beginning of substantive negotiations.

(c) Confidentiality. Maintaining confidentiality is generally critical to the integrity of the mediation process. Confidentiality encourages candor, a full exploration of the issues, and the possibilities of settlement. The mediator shall inform mediation participants of the degree to which communications connected with the mediation process shall be confidential, including any individual caucuses which may be utilized. Except as legally required, the mediator should resist testifying and disclosing other information about the substance of a mediation at any proceeding without the consent of all mediating parties.

(d) Suspension or Termination of Mediation. The mediator shall inform the participants of their rights to withdraw from mediation at any time and for any reason, except as is required by law. If the mediator believes that participants are unable or unwilling to participate effectively in the mediation process, the mediator should suspend or terminate the mediation, except as is required by law. If the parties reach a final impasse, the mediator should not prolong unproductive discussions which result in emotional and monetary costs to the participants.

(3) Defining the process:

(a) Comparison to Other Processes. In appropriate cases, the mediator shall explain that mediation is not arbitration, legal

representation, or therapy. The mediator shall explain that the mediator will not decide any issues for the parties.

- (b) Independent Advice and Information. In mediations in which disputants personally represent their own individual interests and substantial legal issues exist, the mediator shall encourage participants to obtain desired individual legal advice and individual legal review of any mediated agreement as is reasonably necessary for the parties to reach an informed agreement.
- (c) Full Disclosure. In mediations in which disputants represent their own individual interests, the mediator shall seek to ensure to the mediator's. and all mediation participants', reasonable satisfaction the full disclosure of relevant information in the mediation process. If the mediator believes that full disclosure is not reasonably being made, the mediator shall express such concern to the mediation participants. If this concern is not reasonably satisfied, the mediator may suspend or terminate the mediation.
- (d) Opportunity for Full Expression of Interests. The mediator shall seek to provide each mediation participant with a full opportunity to effectively express his or her interests.
- (e) Fees. The mediator has a duty to define and describe any fees for the mediation and to agree with participants as how fees are to be shared and the manner of payment before proceeding to facilitate substantive negotiations. When setting fees, the mediator shall ensure that they are explicit, fair, and commensurate with the service to be performed. Unearned fees must be promptly returned to the participants. It is inappropriate for a mediator to charge contingent fees or to base fees upon the outcome of a mediation. No commissions, rebates, or similar forms of remuneration shall be given or received for referral of clients.
- (f) Additional Representation or Roles. A mediator should not engage in any nonmediative role relative to the subject matter of a mediated dispute, except by the informed consent of all mediation participants.

(4) Responsibilities to the profession and the public:

- (a) Continuing Education. A mediator should participate in continuing mediation education and be personally responsible for ongoing professional growth. A mediator is encouraged to join with other mediators and members of related professionals to promote mutual professional development.

- (b) Advertising. All mediation advertising must honestly represent the mediator's qualifications and the services to be rendered. No claims of specific results or promises should be made.

12.540 PROVIDING AND MAINTAINING PUBLICLY AVAILABLE INFORMATION

When required to comply with this section, a listed mediator must submit and maintain as current for public dissemination all the following information to each court at which the mediator is a listed mediator:

- (1) Name.
- (2) Business name.
- (3) Address.
- (4) Telephone number.
- (5) Facsimile number.
- (6) Description of formal education.
- (7) Description of mediation training, including dates, trainers' names, evidence of completion, and training outline(s).
- (8) Description of mediation experience.
- (9) Relevant organizations with which the mediator is affiliated.
- (10) Description of other relevant experience.
- (11) Evidence of subscription to the Standards of Mediator Conduct in UTCR 12.530.
- (12) Description of how fees are established.
- (13) Statement of case preference in the following form:

<u>CATEGORIES OF CASES</u>	<u>Yes</u>	<u>No</u>
<u>Business</u>	_____	_____
<u>Domestic Relations</u>	_____	_____
<u>Neighborhood/Community</u>	_____	_____
<u>Employment</u>	_____	_____
<u>Small Claims</u>	_____	_____
<u>Landlord-Tenant</u>	_____	_____

Probate	_____	_____
Torts	_____	_____
Other (Specify) _____		

12.550 QUALIFICATION AS A LISTED GENERAL CIVIL MEDIATOR, ONGOING OBLIGATIONS

To become a listed general civil mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet ongoing requirements as described:

- (1) Training. An applicant must have completed a total of at least 36 hours of training, including all the following:**
 - (a) The basic mediation curriculum provided by a lead trainer with level 2 qualifications or substantially similar training. An individual who has completed the basic mediation training under either the “Community Dispute Resolution Program Rules” (OAR 718-020-0070) or the “Minimum Qualifications and Training for Court Connected Domestic Relations Mediators Rules” (OAR 718-030-0050(1) and (2)) has met the requirements established by this paragraph.**
 - (b) At least six hours of court-system training or substantially similar training.**
- (2) Experience. An applicant must have completed experience requirements at experience level 1.**
- (3) Conduct. An applicant, and as an ongoing obligation a listed general civil mediator, must subscribe to the standards of conduct in UTCR 12.530.**
- (4) Public information. An applicant, and as an ongoing obligation a listed general civil mediator, must comply with requirements to provide and maintain information in UTCR 12.540.**

12.560 QUALIFICATION AS A LISTED DOMESTIC CUSTODY/PARENTING RELATIONS MEDIATOR, ONGOING OBLIGATIONS

To become a listed domestic custody/parenting relations mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet ongoing requirements as described.

- (1) Education. An applicant must possess one of the following:
 - (a) A master's degree from an accredited college or university with substantial course work in a behavioral science.
 - (b) A law degree from an accredited law school with substantial course work and/or Continuing Legal Education credits in family law.
- (2) Training. An applicant must have completed one of the following or substantially similar training:
 - (a) the basic mediation curriculum and at least 24 hours of either family or divorce curriculum, or training substantially similar to the family and divorce curriculum; or
 - (b) a curriculum which combines the basic mediation curriculum and either family or divorce curriculum. or training substantially similar to the family and divorce curriculum, in at least a 40-hour curriculum.
- (3) Training. For subsection (2) of this section, the training must be provided by a lead trainer with level 1 qualifications and must include, in addition to the requirements under UTCR 12.610, the following as described:
 - (a) Feed back given to the trainee must include an evaluation of the trainee by the trainer which identifies areas where trainee improvement is needed for the benefit of both the trainee and the program.
 - (b) The training must specifically address assisting individuals during intake and case development to resolve their disputes with a minimum of intervention by a third party.
- (4) Training. An applicant must have completed a domestic relations mediation curriculum of at least 24 hours with participation as a mediator or comediator in a minimum of three simulated or actual domestic relations mediation cases for at least six hours under the supervision of an experienced lead trainer with level 3 qualifications or a mediator.
- (5) Training. An applicant must have completed at least five hours of substance abuse training.
- (6) Training. An applicant must have completed at least five hours of domestic abuse training.

- (7) Training. An applicant must have completed at least six hours of court-system training or substantially similar training.
- (8) Training. An applicant must have completed a family studies course.
- (9) Experience. An applicant must have completed experience requirements at experience levels 2 and 3.
- (10) Conduct. An applicant, and as an ongoing obligation a listed domestic custody/ parenting relations mediator, must subscribe to the standards of conduct in UTCR 12.530.
- (11) Public information. An applicant, and as an ongoing obligation a listed domestic custody/parenting relations mediator, must comply with requirements to provide and maintain information in UTCR 12.540.
- (12) Continuing education. As an ongoing obligation, a listed domestic custody/parenting relations mediator must complete continuing education requirements.

2003 NOTE: In the 2003 version of these rules, subsection (3) contains requirements that were included in the basic curriculum for domestic custody/parenting mediators under OAR 718-030-0050 that were not included in the basic curriculum for general civil mediators under OAR 718-040-0040. So they are included here because they are apparently additional requirements.

12.570 QUALIFICATION AS A LISTED DOMESTIC FINANCIAL MEDIATOR, ONGOING OBLIGATIONS

To become a listed domestic financial mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet all ongoing requirements as described.

- (1) Qualifications. An applicant must meet all of the qualifications under UTCR 12.560 applicable to an applicant to be listed as a domestic custody/parenting relations mediator.
- (2) Ongoing obligations. A listed domestic financial mediator must comply with all ongoing obligations a listed domestic custody/parenting relations mediator must comply with under UTCR 12.560.

- (3) Ongoing obligations. In addition to continuing education requirements required under subsection (2) of this section, a listed domestic financial mediator must also have at least seven hours annually of education in financial issues in divorce and separation. Four of the hours of this additional requirement may apply to the continuing education requirement under UTCR 12.630.
- (4) Training. In addition to training requirements required under subsection (1) of this section, an applicant must have completed 40 hours of training which includes training about all the following:
- (a) Legal and financial issues in separation, divorce, and family reorganization in Oregon.
 - (b) In relation to paragraph (a) of this subsection: property division, asset valuation, public benefits law, domestic relations income tax law, child and spousal support, joint and several liability for family debt.
 - (c) Basics of corporate and partnership law, retirement interests, enhanced earning capacity, personal bankruptcy, ethics (including unauthorized practice of law), drafting, and legal process (including disclosure problems).
 - (d) The needs of pro se parties, the desirability of review by independent counsel, recognizing the finality of a judgment, and methods to carry out the parties' agreement.
- (5) Training. Of the training required in subsection (4) of this section:
- (a) Twenty-four of the hours must be in an integrated training.
 - (b) Six hours must be in three supervised role plays in financial mediation.
 - (c) Fifteen hours must be in training accredited by the Oregon State Bar.
- (6) Experience. In addition to the experience required under subsection (1) of this section, an applicant must have completed experience requirements at experience level 4.
- (7) Insurance. As an ongoing obligation, a listed domestic financial mediator shall have in effect at all times the greater of:
- (a) \$100,000 in malpractice insurance or self-insurance with comparable coverage.

(b) Such greater amount of coverage as the determining authority requires.

(8) Supervising. As an ongoing obligation, a listed domestic financial mediator who has been active for three years, and who qualifies as a qualified supervisor, must provide supervision necessary for other applicants to meet the experience requirements of experience level 4 necessary under subsection (6) of this section.

12.580 LEAD TRAINERS. QUALIFICATIONS, REQUIREMENTS

When a requirement for qualification as a listed mediator requires training be done by a lead trainer at a specified level of qualification, the person doing the training must meet the qualification as specified below.

(1) A level 1 qualified lead trainer is an individual who has:

(a) completed 50 hours of mediation experience; and

(b) has a substantial background as a mediation trainer or an assistant mediation trainer.

(2) A level 2 qualified lead trainer is an individual who:

(a) is qualified as a level 1 qualified lead trainer; and

(b) has mediation training substantially comparable to that required for a general civil mediator.

(3) A level 3 qualified lead trainer is an individual who has all the following:

(a) participated in a minimum of 35 domestic relations mediations or a total 350 hours of domestic relations mediation; and

(b) an understanding of court-connected domestic relations programs.

12.590 QUALIFIED SUPERVISORS. QUALIFICATIONS, REQUIREMENTS

When UTCR 12.570 and 12.640 require a qualified supervisor, they require an individual who is all of the following:

(1) A mediator.

- (2) Someone who can affirm meeting the qualifications for a domestic financial mediator.
- (3) Someone who has been a family mediator for three years with at least 250 hours and 25 cases involving domestic relations financial mediation.
- (4) Someone who has in force malpractice insurance coverage for the supervisory role.
- (5) Someone who will issue, at the end of the supervisory experience, a letter of certification for an applicant stating whether the applicant has satisfactorily fulfilled the supervision, according to guidelines of the determining authority.

12.600 INDEPENDENT QUALIFICATION REVIEW

- (1) In programs where domestic financial mediators are independent contractors, the determining authority must appoint a panel consisting of at least:
 - (a) a representative of the determining authority;
 - (b) a domestic financial mediator or qualified supervisor; and
 - (c) an attorney who practices domestic relations law locally.
- (2) The panel shall interview each applicant to be a listed domestic financial mediator solely to determine whether the applicant meets the requirements for being listed or whether it is appropriate to substitute or waive some minimum qualifications. The review panel shall report its recommendation to the determining authority in writing.
- (3) Nothing in this rule affects the authority under UTCR 12.520 to make sole and final determinations about whether an applicant has fulfilled the requirements to be listed or whether an application for substitution should be granted.

12.610 BASIC MEDIATION CURRICULUM

The basic mediation curriculum of shall include all the following:

- (1) At least 30 hours of training which shall include, but not be limited to, the following:

- (a) a minimum of six hours participation by each trainee in three or more supervised role plays with feedback; and
- (b) a trainee self-assessment.
- (2) Development of mediation knowledge and skills, including information gathering, relationship skills, communication skills, problem solving, conflict management, and ethical practices.
- (3) The curriculum shall specifically address all the following areas:
 - (a) Active listening, empathy, and validation.
 - (b) Sensitivity to, and awareness of, cross-cultural issues.
 - (c) Maintaining neutrality.
 - (d) Identifying and reframing interests and issues.
 - (e) Establishing trust and respect.
 - (f) Using techniques to achieve agreement and settlement, including creating a climate conducive to resolution, identifying options, reaching consensus, and working toward agreement.
 - (g) Shaping and writing agreements.
 - (h) Ethical standards for mediator conduct adopted by state and national organizations.

12.620 COURT-SYSTEM TRAINING

When court-system training under this section is required, the training shall include, but not be limited to, the following subject areas:

- (1) Knowledge of the court system including, but not limited to:
 - (a) basic legal vocabulary;
 - (b) how to read a court file; and
 - (c) the effect of a mediated agreement on the case including, but not limited to, finality, appeal rights, remedies, and enforceability.
- (2) Knowledge of the range of available administrative and other dispute resolution processes.

- (3) Knowledge of the process that will be used to resolve the dispute if no agreement is reached, such as judicial or administrative adjudication or arbitration.
- (4) Working with represented and unrepresented parties including, but not limited to, all of the following:
 - (a) The role of litigants' lawyers in the mediation process.
 - (b) Attorney-client relationships.
 - (c) Working with lawyers.
 - (d) Attorney fee issues.
 - (e) Understanding motions, discovery, and other court rules and procedures.

12.630 CONTINUING EDUCATION REQUIREMENTS

When required to comply with continuing education requirements, a listed mediator must attend at least 12 hours of continuing mediation education each year. Continuing education choices shall be made in consultation with the mediation program supervisor. To the extent that the mediator's training prior to being listed does not include the following topics, those topics shall be emphasized in the mediator's continuing education requirements.

- (1) The effects of domestic violence on children, and the legal rights of domestic violence victims.
- (2) Gender, ethic, and cultural diversity.
- (3) Divorce adjustment for adults and children.
- (4) "The best interest of the child."
- (5) Psychopathology.
- (6) Crisis intervention with families.
- (7) Oregon Child Support Guidelines.
- (8) Mediation models, theory, and techniques.
- (9) Program administration and service delivery.

- (10) Development of parenting plans.
- (11) Establishment of visitation schedules.
- (12) Practices and procedures of state and local social service agencies.
- (13) Safety issues for mediators.
- (14) Family Systems Theory.

12.640 EXPERIENCE REQUIREMENTS

When applicants to become a listed mediator are required to have completed experience requirements at a specific experience level, the requirement is to meet the appropriate following described specific experience level:

- (1) **Experience level 1—A person meeting this experience level has observed live mediations or participated as a mediator in at least three cases that have been filed in court.**
- (2) **Experience level 2—A person meeting this experience level has observed live mediations or participated as a mediator in domestic relations cases for a period of at least 30 hours, including at least three actual domestic relations cases involving children.**
- (3) **Experience level 3—A person meeting this experience level has completed one of the following types of experience supervised by a lead trainer or supervisor who is level 3 qualified under UTCR 12.580:**
 - (a) **Participation in at least 20 domestic relations mediation cases supervised by or jointly mediated with a domestic relations mediator or level 3 qualified lead trainer.**
 - (b) **At least two years full-time equivalent mediation experience.**
 - (c) **At least two years full-time equivalent of direct therapy or counseling experience with a preferred emphasis on short-term problem solving in a private, public, or private nonprofit agency and having:**
 - (i) **participated as a mediator or comediator in a total of six actual domestic relations mediations or a total of 60 hours of domestic relations mediation, and**
 - (ii) **an understanding of court-connected domestic relations programs.**

(d) Been a practicing attorney with at least two years full-time equivalent handling a domestic relations or juvenile caseload and having:

- (i) participated as a mediator or comediator in a total of six actual domestic relations mediations or a total of 60 hours of domestic relations mediation, and**
- (ii) an understanding of court-connected domestic relations programs.**

(4) Experience level 4—A person meeting this experience level has participated in six financial mediation cases and a total of 40 hours of mediation with supervision by a qualified supervisor, including four client hours with the supervisor present.

7. Subcommittee on electronic filing.

ACTION TAKEN

Update from UTCR Reporter. No other action taken.

REASON

At the Fall 2002 meeting, the UTCR Reporter was asked to obtain feedback from all presiding judges and trial court administrators on electronic filing issues. This project was not carried out. Due to ongoing state budget difficulties, in the short term it is unlikely the Oregon Judicial Department will be able begin implementation of an electronic filing system. In light of this, there was no immediate need to seek this information.

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12/5/03