

SUPPLEMENTARY LOCAL RULES



Clatsop County Circuit Court

18th Judicial District

Effective February 1, 2021

State of Oregon
County of Clatsop

I certify that this is a true and correct copy of a document in the possession of the court administrator for Clatsop County Circuit Court.

Dated: _____ December 28, 2020 _____

Court Administrator for Clatsop County Circuit Court or designee:



Julie L. Vredevelde, Trial Court Administrator

Clatsop County Circuit Court Supplementary Local Rules

TABLE OF CONTENTS

Chapter 1 - General Provisions	1
1.161 FILING OF DOCUMENTS WITH COURT	1
1.171 WEBSITE ADDRESSES	1
1.173 PHYSICAL / MAILING ADDRESSES	1
Chapter 3 - Decorum in Proceedings	1
3.181 PUBLIC ACCESS COVERAGE	1
Chapter 4 - Proceedings in Criminal Cases.....	1
4.015 MOTIONS TO DISMISS	1
4.081 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION.....	2
Chapter 5 - Proceedings in Civil Cases	2
5.061 <i>EX PARTE</i> ORDERS.....	2
Chapter 6 - Trials	2
6.012 SETTLEMENT CONFERENCES	2
6.051 DELIVERY OF TRIAL MEMORANDA AND OTHER DOCUMENTS.....	2
6.061 ELECTRONIC COPY OF REQUESTED JURY INSTRUCTIONS	2
6.081 EXHIBITS	3
6.082 TRIAL AND HEARING FEES.....	3
Chapter 7 - Case Management and Calendaring.....	3
7.007 CASE MANAGEMENT CONFERENCES	3
7.012 ORDER ON ARRAIGNMENT.....	3
7.013 RELEASE OF DEFENDANT UPON ORDER ON ARRAIGNMENT	3
7.015 SCHEDULING CONFLICTS	4
7.021 SETTING TRIALS IN CIVIL CASES.....	4
7.031 DOCKET CALL.....	4
Chapter 8 - Domestic Relations Proceedings.....	4
8.015 PARENTING TIME RULES	4
8.045 PREJUDGMENT RELIEF	5
8.046 PARENT EDUCATION PROGRAM.....	5
8.121 INFORMAL DOMESTIC RELATIONS TRIALS (IDRT)	6
Chapter 9 - Probate, Guardianships, Conservatorships, and Adoption Proceedings	6
9.045 GUARDIANSHIPS AND CONSERVATORSHIPS	6
9.081 ORAL OBJECTIONS	6
9.082 PROTECTIVE PROCEEDINGS - NOTICE OF SERVICES	6
9.161 FORM OF ACCOUNTINGS	7
9.185 DEPOSITORY STATEMENTS.....	7

Chapter 11 - Juvenile Court Proceedings	7
11.015 PRETRIAL MOTIONS	7
11.057 MANDATORY SETTLEMENT CONFERENCES	7
11.087 APPEARANCE IN DEPENDENCY CASES	7
CHAPTER 12 – Mediation	7
12.001 CHILD CUSTODY AND PARENTING TIME MEDIATION	7
12.002 CHILD CUSTODY AND PARENTING TIME MEDIATION: COURT CONTROL.....	8
12.003 COMMENCEMENT OF CHILD CUSTODY AND PARENTING TIME MEDIATION.....	8
12.004 CHILD CUSTODY AND PARENTING TIME MEDIATION: LAWYERS AND MEDIATORS	8
12.005 CHILD CUSTODY AND PARENTING TIME MEDIATION ORIENTATION	9
12.006 ASSIGNMENT TO CHILD CUSTODY AND PARENTING TIME MEDIATORS	9
12.007 CHILD CUSTODY AND PARENTING TIME MEDIATION COMPLETION	9
12.101 MEDIATION PROCEDURE IN CIVIL ACTIONS	9
12.103 ASSIGNMENT OF MEDIATOR IN CIVIL ACTIONS.....	9
12.107 MEDIATION PROCESS IN CIVIL ACTIONS	10
12.301 SMALL CLAIMS MEDIATION	10
12.303 SMALL CLAIMS MEDIATION PROCEDURES	10
CHAPTER 13 - Arbitration	11
13.011 REFERRAL TO ARBITRATION.....	11
13.035 ALTERNATIVE DISPUTE RESOLUTION COMMISSION	11
13.161 LOCATION OF ARBITRATION PROCEEDINGS.....	11
CHAPTER 15 - Small Claims	11
15.025 MANDATORY MEDIATION.....	11
Chapter 16 – Violations	11
16.001 VIOLATIONS BUREAU.....	11
16.005 TRIAL BY DECLARATION UNDER PENALTY OF PERJURY	11
APPENDIX I	12
APPENDIX II	13

Clatsop County Circuit Court Supplementary Local Rules

CHAPTER 1 - GENERAL PROVISIONS

1.161 FILING OF DOCUMENTS WITH COURT

In the event all customer service windows are closed on a day that the court is open for business, a drop box will be available until 5:00 p.m. for filings and payments. The drop box is located on the main floor of the courthouse.

1.171 WEBSITE ADDRESSES

The Clatsop County Circuit Court website home page address is:

www.courts.oregon.gov/courts/clatsop.

The website forms page address is: www.courts.oregon.gov/courts/clatsop/help/Pages/forms.

The website video page address is: www.courts.oregon.gov/courts/clatsop/help/Pages/videos.

The website rules page, www.courts.oregon.gov/courts/clatsop/go/Pages/rules.aspx, includes a reference, Guide to Clatsop County Circuit Court, with information about doing business with the court.

1.173 PHYSICAL / MAILING ADDRESSES

The street address of Clatsop County Circuit Court is 749 Commercial Street, Astoria, Oregon 97103. All physical appearances required by these rules shall occur at that location unless otherwise specified by the court. The mailing address is P.O. Box 835, Astoria, OR 97103.

CHAPTER 3 - DECORUM IN PROCEEDINGS

3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the lobby areas of the basement, first floor and second floor of the courthouse unless the court designates another area. Public access coverage shall not disrupt court proceedings or interfere with normal court activities. Access to other areas of the courthouse or courtrooms must be approved in advance by either a judge or the Trial Court Administrator.

CHAPTER 4 - PROCEEDINGS IN CRIMINAL CASES

4.015 MOTIONS TO DISMISS

Motions to dismiss a criminal action made by the prosecutor shall be in writing, signed by the attorney, and include facts supporting the motion.

4.081 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION

- (1) Unless otherwise ordered by the court, in-custody arraignments shall be by simultaneous electronic transmission.
- (2) With approval of the court, in-custody defendants may appear by simultaneous electronic transmission for plea on a misdemeanor or at arraignment and sentencing hearings, probation violation hearings, and other criminal proceedings.
- (3) With all parties' consent and court approval, out-of-custody defendants, witnesses, and victims may appear in non-jury criminal proceedings by simultaneous electronic transmission when permitted by statute.
- (4) Whenever testimony by simultaneous electronic transmission is allowed under this rule, it shall be the responsibility of the party calling said witness to coordinate with the opposing party, the court, and the witness the manner and time of simultaneous electronic transmission sufficiently in advance of the criminal proceeding so as not to cause undue disruption or delay.

CHAPTER 5 - PROCEEDINGS IN CIVIL CASES

5.061 *EX PARTE* ORDERS

Ex parte orders shall be presented to the court clerk to be forwarded to the assigned judge. *Ex parte* matters requiring a hearing shall be scheduled by court staff.

CHAPTER 6 - TRIALS

6.012 SETTLEMENT CONFERENCES

A settlement conference may be set in a civil case at the written request of a party. Parties and others with settlement authority, including insurance claims representatives, must appear in person unless personal appearance is waived in advance by the settlement judge, in which case they must be available by telephone.

6.051 DELIVERY OF TRIAL MEMORANDA AND OTHER DOCUMENTS

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

6.061 ELECTRONIC COPY OF REQUESTED JURY INSTRUCTIONS

- (1) In addition to the requirements of UTCR 6.060, an attorney or party requesting instructions described in subsection (2) below shall provide the trial court an electronic

copy of all requested jury instructions in Word format. The email address for submission of jury instructions can be found on the court's website.

- (2) The following documents shall be included on the electronic copy:
 - (a) uniform instructions that have been modified;
 - (b) uniform instructions submitted that fill in blanks or include alternative choices;
 - (c) proposed special instructions; and
 - (d) proposed special verdict forms.

6.081 EXHIBITS

All trial exhibits will be assigned a value of zero unless the submitting party supplies the court clerk with a written value.

6.082 TRIAL AND HEARING FEES

When a trial or hearing fee is required by statute, a fee receipt, fee waiver, or fee deferral must be presented to the courtroom clerk prior to commencement of the trial or hearing.

CHAPTER 7 - CASE MANAGEMENT AND CALENDARING

7.007 CASE MANAGEMENT CONFERENCES

- (1) In criminal cases, a case management conference will be set at arraignment. At the case management conference, attorneys and unrepresented parties shall report on the progress of negotiations, discovery, and pretrial motions, and advise whether a trial is needed.
- (2) Defendants in criminal cases must attend all case management conferences unless the court authorizes a waiver of appearance in advance.

7.012 ORDER ON ARRAIGNMENT

In misdemeanor cases, the defendant's attorney may file a Notice of Representation and Motion for Order on Arraignment. If the Notice of Representation waives arraignment and states that the attorney has explained the charges to defendant and advised defendant of all statutory and constitutional rights, the court may enter an Order on Arraignment. A Notice of Representation and Motion for Order on Arraignment is attached hereto as Appendix I.

7.013 RELEASE OF DEFENDANT UPON ORDER ON ARRAIGNMENT

If the court does not have a current release agreement when an Order on Arraignment is entered, defendant shall report to the Clatsop County Jail within seven (7) days of the entry of the Order on Arraignment to sign a conditional release agreement and to be processed unless otherwise ordered.

7.015 SCHEDULING CONFLICTS

Requests to reschedule a criminal court proceeding, including trials and hearings, must be in writing and received by the court not later than ten (10) days after the proceeding is set. The written request shall be provided to attorneys of record and unrepresented parties and shall include a list of dates on which the parties and counsel are available to try the matter. Requests to reschedule a proceeding in a case that has been open for more than nine (9) months must be made by motion and must show good cause.

7.021 SETTING TRIALS IN CIVIL CASES

Civil case management conferences will occur approximately 30 days after a case is at issue. The court will set trial at the civil case management conference.

7.031 DOCKET CALL

- (1) Criminal and Dependency case docket calls shall be held on a day and time set by the court.
 - (a) Attorneys of record and unrepresented parties shall appear in person for docket call. Attorneys may appear by telephone or in writing if arrangements are made with the docket clerk prior to docket call.
 - (b) Defendants shall appear in person at docket call unless the court authorizes a waiver of appearance in advance. In misdemeanor cases, the defendant need not appear if the defendant has been in personal contact with the attorney within ten days prior to docket call.
 - (c) Docket call is the final deadline for negotiated pleas. Parties shall appear in court during or immediately after docket call for change of plea.
- (2) Civil docket call is in writing. Parties shall complete the Docket Call Sheet and submit it to the court and all attorneys of record and unrepresented parties prior to 10:00 a.m. on the Thursday before the scheduled trial date. The Docket Call Sheet can be found on the court's website.
- (3) Diversion agreements, civil compromise documents, and jury waivers shall be filed by docket call.

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

8.015 PARENTING TIME RULES

In any domestic relations proceeding, dissolution of marriage, annulment, separation or custody case, paternity, filiation or similar proceeding, a non-custodial parent shall have the right to parenting time with the minor children of the parties according to the Basic Parenting Plan, unless otherwise ordered by the court or the parties agree to a different parenting plan, such as

the court-approved Expanded Parenting Plan. The Basic and Expanded Parenting Plans can be found on the court's website.

8.045 PREJUDGMENT RELIEF

- (1) All applications for prejudgment relief in domestic relations cases must be made by motion for show cause order and include a supporting affidavit or a declaration under penalty of perjury. The motion and show cause order must state separately each item of relief requested. Time periods specified in this rule shall be computed in accordance with ORCP 10.
- (2) Show cause orders for prejudgment relief shall specify a response time not less than 14 days from the date of service upon the opposing party. When the show cause order is served outside the state of Oregon or by publication, the order shall require the opposing party to file an answer in writing not less than 20 days from the date of service. Such orders shall require the opposing party to respond by filing an answer in writing, together with opposing affidavits or declarations under penalty of perjury and serving a copy of the answer and affidavits or declarations under penalty of perjury on the moving party within the response time. The order must include a notice as set forth in Appendix II to these rules if the opposing party is unrepresented.
- (3) A motion for prejudgment support must include a Uniform Support Declaration with the required attachments. If the opposing party files an answer to a request for prejudgment support, the party also must file and serve on the moving party a Uniform Support Declaration with the required attachments.
- (4) If proof of service is filed and the opposing party fails to respond to the show cause order within the time set forth in the order, the moving party may present an order granting the relief sought.
- (5) The opposing party may include counter claims in the response to the show cause order. The moving party shall have 14 days from the date of service to file a reply affidavit or declaration under penalty of perjury. No further pleadings will be considered. Either party may notify the court in writing when the matter is ready for determination, and the court shall decide the matter and promptly notify the parties of any decision.
- (6) The court will not issue a ruling in less than 30 days unless respondent has appeared or is represented by counsel.
- (7) For good cause shown or upon its own motion, the court may set prejudgment relief proceedings for hearing.

8.046 PARENT EDUCATION PROGRAM

- (1) A parent education program is established as authorized by ORS 3.425. Information regarding the parent education program is available on the court's website.

- (2) Each person named as a party in a family law case involving minor children shall complete the program unless the court approves a waiver.
- (3) Each party shall pay a fee determined by the program provider. The fee may be waived or reduced by the program provider.
- (4) The program provider shall issue a certificate of completion when the participant has completed the program. The participant must file the certificate of completion with the court. A certificate of completion is valid for two (2) years. If family law proceedings are initiated after a certificate has expired, the participant must retake the class.

8.121 INFORMAL DOMESTIC RELATIONS TRIALS (IDRT)

- (1) All parties in a domestic relations case may choose to have an IDRT or a traditional trial. In order to have an IDRT, all parties must elect IDRT in writing. If any party to the case does not elect IDRT in writing, the court will set a traditional trial.
- (2) Information about the IDRT process is available on the court's website.

CHAPTER 9 - PROBATE, GUARDIANSHIPS, CONSERVATORSHIPS, AND ADOPTION PROCEEDINGS

9.045 GUARDIANSHIPS AND CONSERVATORSHIPS

- (1) When a petition seeks appointment of a guardian for an adult respondent or requests appointment of a visitor, the visitor's fee shall be tendered to the court. Upon receipt of the visitor's fee, the probate clerk shall prepare an order appointing visitor.
- (2) The visitor shall be compensated as provided in ORS 125.170 and the court's General Order. The visitor is not required to begin an investigation until the fee has been paid or waived by the court.
- (3) Within 30 days after each anniversary of appointment, all guardians must file a written report. The report for guardians of minors shall be in the form prescribed by the court.

9.081 ORAL OBJECTIONS

Oral objection under ORS 125.075 may be made during regular court hours at: the court's public service window on the first floor of the Courthouse, 749 Commercial Street, Astoria, Oregon. The protected person may also make oral objections to the Court Visitor. Court Visitors shall include the protected person's objections in visitor reports.

9.082 PROTECTIVE PROCEEDINGS - NOTICE OF SERVICES

In a proceeding for the appointment of a guardian for an adult respondent, the notice required under ORS 125.060 shall include the following language or its equivalent:

Free legal services for people at least 60 years of age who are subject to guardianship proceedings may be obtained by calling Oregon Law Center at 1-877-296-4076. Free or low cost services for people at least 60 years of age may be obtained by calling Senior and Disability Services at 503-861-4200, including help to maintain maximum independence, remain at home as long as possible, select an appropriate foster or nursing home, obtain necessary personal and/or medical care, and prevent or stop physical or financial abuse. Help finding a lawyer and a low-cost one-time legal consultation may be obtained by calling the Lawyer Referral Service of the Oregon State Bar at 1-800-452-7636.

9.161 FORM OF ACCOUNTINGS

Accountings in estate and conservatorship cases shall be submitted in the format specified in UTCR 9.160.

9.185 DEPOSITORY STATEMENTS

All accountings shall include the opening and closing depository statements for each account for the accounting period.

CHAPTER 11 - JUVENILE COURT PROCEEDINGS

11.015 PRETRIAL MOTIONS

The schedule for filing pretrial motions provided in UTCR 4.010 shall govern the filing of pretrial motions in delinquency cases.

11.057 MANDATORY SETTLEMENT CONFERENCES

Unless waived by a judge and with the exception of violations, all contested delinquency and dependency cases shall be set for settlement conference.

- (1) In dependency cases, parents must appear in person at the settlement conference unless otherwise authorized by the judge.
- (2) In delinquency cases, youths must appear in person at the settlement conference unless otherwise authorized by the judge.

11.087 APPEARANCE IN DEPENDENCY CASES

A parent served with a summons pursuant to ORS 419B.812 shall appear in person before the court on the date and time specified in the summons unless otherwise approved by the judge. With court approval, a parent may appear in writing on an amended petition.

CHAPTER 12 – MEDIATION

12.001 CHILD CUSTODY AND PARENTING TIME MEDIATION

- (1) Mediation is mandatory in all proceedings in which child custody, parenting time or visitation is contested except:
 - (a) Pre-judgment custody and parenting time proceedings pursuant to ORS 107.095.
 - (b) Family Abuse Prevention Act proceedings pursuant to ORS 107.700 to 107.732.
 - (c) Elderly Persons and Persons with Disability Abuse Prevention Act proceedings pursuant to ORS 124.005 et seq.
 - (d) Expedited parenting time enforcement proceedings pursuant to ORS 107.434.
 - (e) Juvenile dependency and delinquency proceedings.
 - (f) Proceedings in which the court has found good cause to waive mediation.
- (2) Mediation shall consist of an orientation session and up to eight hours of mediation per referral. Additional mediation may be scheduled by the mediator with prior approval of the court.

12.002 CHILD CUSTODY AND PARENTING TIME MEDIATION: COURT CONTROL

- (1) Cases remain subject to the control of the court during mediation. The court may remove a case from mediation at any time.
- (2) Mediators shall report to the court and counsel the outcome of mediation. Mediation agreements shall be presented to the court, and the court retains final authority to accept, modify or reject agreements.

12.003 COMMENCEMENT OF CHILD CUSTODY AND PARENTING TIME MEDIATION

Mediation will be commenced by stipulation of the parties, request of a party, or court referral.

12.004 CHILD CUSTODY AND PARENTING TIME MEDIATION: LAWYERS AND MEDIATORS

- (1) Unless otherwise agreed in writing by the parties, the parties' lawyers shall not be present at mediation sessions.
- (2) The mediator shall encourage disputing parties to obtain independent legal advice and review of any mediated agreement before signing an agreement.
- (3) A mediator shall not act as a lawyer for either party.

12.005 CHILD CUSTODY AND PARENTING TIME MEDIATION ORIENTATION

- (1) The court may exempt a party from orientation for good cause.
- (2) Mediation orientation shall be done by video which is available on the court's website. Mediation orientation shall be completed within 30 days of filing a petition or 30 days of filing responding documents.

12.006 ASSIGNMENT TO CHILD CUSTODY AND PARENTING TIME MEDIATORS

- (1) The parties may select a mediator of their own choosing, but if the mediator is not on the list of mediators approved by the court, the expense of the mediator shall be the responsibility of the parties.
- (2) The parties shall choose a mediator upon completion of orientation and promptly notify the court. If the parties do not notify the court of their selection of mediator when they declare completion of mediation orientation, the mediation clerk will select a mediator from the court's list of mediators.

12.007 CHILD CUSTODY AND PARENTING TIME MEDIATION COMPLETION

- (1) Mediation shall be completed promptly without causing unnecessary delay of court proceedings and in no event later than any deadline set by the judge.
- (2) The mediator shall notify the court immediately when mediation is concluded.

12.101 MEDIATION PROCEDURE IN CIVIL ACTIONS

- (1) On the parties' written stipulation, filed with the court prior to the commencement of the arbitration hearing, the parties may elect to mediate pursuant to ORS 36.185 to 36.210 rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration. Such mediation shall be accomplished within the same time period required for court-connected arbitration under these rules. If the parties mediate in good faith, they shall be deemed to have met the requirements for mandatory arbitration, whether or not the mediation results in resolution of all claims.
- (2) Parties may enter into arbitration in the event that mediation is unsuccessful. Any such request to arbitrate after mediation shall be governed by SLR Chapter 13.

12.103 ASSIGNMENT OF MEDIATOR IN CIVIL ACTIONS

- (1) If no arbitrator has been selected or assigned at the time of the stipulation to mediate, the parties may:

- (a) Select a mediator by stipulation; or
 - (b) Follow the procedures for assignment of an arbitrator pursuant to UTCR 13.080, except that the mediator shall be chosen from among those on the court's list of mediators.
- (2) Mediators whose names are maintained on the court's list shall have the qualifications of arbitrators under UTCR 13.090(1).
 - (3) If an arbitrator has been assigned at the time of the stipulation to mediate, the parties may select a mediator in either of the following methods:
 - (a) Request the arbitrator to serve as a mediator. If the arbitrator agrees to serve as mediator, UTCR 13.130 will not apply.
 - (b) Stipulate to another mediator. If another mediator is selected, the arbitrator shall be informed immediately, and shall be compensated, pursuant to UTCR 13.120, for any time already invested in the case.

12.107 MEDIATION PROCESS IN CIVIL ACTIONS

- (1) Parties shall provide information to the mediator on request.
- (2) The mediator shall report the results of mediation on such forms as the court may direct.

12.301 SMALL CLAIMS MEDIATION

Mediation in small claims cases is mandatory unless waived by the court for good cause. Requests for a change in the mediation date must be in writing and received by the court no later than seven (7) days before the scheduled mediation date.

12.303 SMALL CLAIMS MEDIATION PROCEDURES

- (1) The court shall assign cases to a mediator. Each party shall come to mediation with full authority to make and accept offers for settlement.
- (2) All parties must appear for small claims mediation. If a party fails to appear for small claims mediation, a default judgment may be entered against him or her subsequent to an opportunity for a hearing. An authorized representative may appear on behalf of a business but must be familiar with the facts of the case with full authority to settle. Unless a party to the case, attorneys shall not attend small claims mediation.
- (3) If mediation is not successful, the case will be set for trial. If mediation is successful, the agreement will be forwarded to a judge for approval.
- (4) If a party fails to comply with the terms of the mediation agreement, the other party may file a declaration of non-compliance, provide a copy to the opposing party, and obtain judgment on the original claim.

CHAPTER 13 - ARBITRATION

13.011 REFERRAL TO ARBITRATION

- (1) A case subject to arbitration shall be transferred to arbitration when the case is at issue.
- (2) The court may remove a case from arbitration at any time.

13.035 ALTERNATIVE DISPUTE RESOLUTION COMMISSION

The court's arbitration and mediation programs shall function under the direction of an Alternative Dispute Resolution Commission, which shall consist of a judge and at least two attorneys. The Trial Court Administrator is an ex officio member of the Commission.

13.161 LOCATION OF ARBITRATION PROCEEDINGS

Unless otherwise stipulated by all parties, arbitration and mediation proceedings shall be scheduled at a location in Clatsop County, Oregon.

CHAPTER 15 - SMALL CLAIMS

15.025 MANDATORY MEDIATION

Mediation in small claims cases is mandatory and shall proceed as set forth in SLR Chapter 12 unless the court waives mediation for good cause.

CHAPTER 16 – VIOLATIONS

16.001 VIOLATIONS BUREAU

By General Order of the Court and pursuant to ORS 153.800, the court has established a Violations Bureau for the disposition of all violations.

16.005 TRIAL BY DECLARATION UNDER PENALTY OF PERJURY

Trial by declaration under penalty of perjury, as provided in ORS 153.080, is authorized by General Order of the Court for all violations. For trial by declaration under penalty of perjury, the defendant's submission must clearly waive the right to submit oral testimony in court in favor of written statement. The court's election form, which includes the waiver, and declaration form are available on the court's website.

APPENDIX I

SEE SLR 7.012

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

STATE OF OREGON,)	Case No.
)	
Plaintiff,)	
)	
v.)	NOTICE OF REPRESENTATION AND
)	MOTION FOR ORDER ON
)	ARRAIGNMENT
Defendant.)	
)	
)	

TO THE CIRCUIT COURT:

I represent defendant in this criminal case.

Defendant waives arraignment and advice of rights and pleads not guilty. I have advised defendant of their constitutional and statutory rights and the consequences of conviction, including potential immigration issues. I have explained the charges and maximum penalty for each charge.

Demand is hereby made upon the Clatsop County District Attorney’s Office for all information required under the discovery statutes, to be provided at least ten (10) days prior to the case management conference.

Conditional Release Agreement and Processing

Within _____ days of filing this motion, defendant agrees to report to the Clatsop County Jail to sign a conditional release agreement and to be booked and released.

DATED: _____

Attorney Signature

Bar No. _____

APPENDIX II

See SLR 8.045(2)

You must file a response in writing to this Order to Show Cause within the time allowed by the Order. If you do not file a response within that time, the other person probably will get what he or she asked for. If you have questions, you should see an attorney immediately.

You may find forms and instructions for filing a response on the court's website.

To file a response, you must do the following things:

- (1) Write the case number on your response. You will find the case number in the upper right corner of the Order.
- (2) Write which of the items in the Order to Show Cause you disagree with and why. You should file an affidavit or declaration under penalty of perjury with your response if you want the judge to know more information. If child support is an issue, you must file a Uniform Support Declaration. You may find the form on the Oregon Judicial Department website, categorized as a miscellaneous family law form.
- (3) You must sign the response and include your current mailing address. The court will send you notices at the address listed on your response unless you file a written notice of address change with the court. You may miss important court dates if the court doesn't have your current address.
- (4) Your response and affidavit or declaration under penalty of perjury must be mailed or given to the court clerk so it reaches the court within the time allowed by the Order.
- (5) You must pay a filing fee to file your response and affidavit or declaration under penalty of perjury or get a court order waiving or deferring the filing fee. Contact the court clerk if you want more information on fee waivers and deferrals.
- (6) At the same time or before you file your response with the court, you must send a copy of the response and affidavit or declaration under penalty of perjury to the other side's lawyer or to the other side personally if he or she doesn't have a lawyer. Attach a certificate to your response that shows proof of mailing or hand-delivering or emailing. The court will decide whether or not to grant the requests based on the affidavits or declarations under penalty of perjury you and the other person have filed. If you don't file a response, the court probably will grant all of the other person's requests. The court will send you the decision.