

ELEVENTH JUDICIAL DISTRICT DESCHUTES COUNTY CIRCUIT COURT



2023 SUPPLEMENTARY LOCAL RULES Revised and Effective: February 1, 2023



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 28th day of December, 2022
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: Angela R. Curtis
COURT CLERK

**11TH JUDICIAL DISTRICT
DESCHUTES COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES**

TABLE OF CONTENTS

Chapter 1 -- General Provisions

1.171	WEBSITE ADDRESS	1
-------	-----------------------	---

Chapter 3 -- Decorum in Proceedings

3.181	PUBLIC ACCESS COVERAGE	1
-------	------------------------------	---

Chapter 4 -- Proceedings in Criminal Cases

4.040	NO MOTIONS FOR RECONSIDERATION; EXCEPTIONS	1
-------	--	---

Chapter 5 -- Proceedings in Civil Cases

5.045	NO MOTIONS FOR RECONSIDERATION; EXCEPTIONS	2
-------	--	---

Chapter 6 -- Trials

6.012	SETTLEMENT CONFERENCES	2
-------	------------------------------	---

Chapter 7 -- Case Management and Calendaring

7.005	ENTRY OF GUILTY PLEA BY ATTORNEY IN MISDEMEANOR CASES IN DEFENDANT'S ABSENCE	4
7.015	SETTING MOTION AND TRIAL DATE IN CRIMINAL CASES	4
7.025	SETTING MOTION AND TRIAL DATE IN CIVIL CASES	4
7.036	MANDATORY APPEARANCE IN CRIMINAL PROCEEDINGS	5
7.042	MOTION FOR CHANGE OF JUDGE	5
7.045	SETTING MOTION DATES IN DISSOLUTION CASES	5
7.055	SETTING SHOW CAUSE HEARINGS	5

Chapter 8 -- Domestic Relations Proceedings

8.012	TIME FOR FILING CERTAIN DOCUMENTS IN DOMESTIC RELATIONS PROCEEDINGS	6
8.041	PREJUDGMENT RELIEF UNDER ORS 107.095(1)	6
8.045	TEMPORARY PROTECTIVE ORDERS OF RESTRAINT AND EX PARTE CUSTODY/ PARENTING TIME ORDERS	6
8.046	EDUCATION FOR PARENTS	6
8.055	ORDERS TO SHOW CAUSE	7
8.121	MANDATORY USE AND TIME FOR FILING OF UCR FORM 8.120.1	8

Chapter 9 -- Probate and Adoption Proceedings

9.081	OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR	9
9.161	FORM OF ACCOUNTINGS	9

Chapter 11 -- Juvenile Court Proceedings

11.051	PERSONAL APPEARANCE REQUIRED	9
11.095	TIMELINES FOR DISCOVERY/FILING OF PAPERS	10
11.115	SUBMISSION OF EXHIBITS	10

**11TH JUDICIAL DISTRICT
DESCHUTES COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES**

TABLE OF CONTENTS

Chapter 12 -- Mediation

12.015	MEDIATION OF CHILD CUSTODY AND PARENTING TIME	10
--------	---	----

Chapter 13 -- Arbitration

13.065	MANDATORY ARBITRATION NOT REQUIRED.....	11
--------	---	----

Chapter 16 -- Violations

16.005	TRIAL BY AFFIDAVIT OR DECLARATION UNDER PENALTY OF PERJURY	11
--------	--	----

Chapter 20 -- Voluntary Arbitration

20.011	MATTERS SUBJECT TO VOLUNTARY ARBITRATION	12
20.012	AMERICAN ARBITRATION COMMERCIAL ARBITRATION RULES GOVERN	12
20.013	ARBITRATION WHERE CASE ALREADY SET FOR TRIAL	12
20.014	SELECTING ARBITRATORS	12
20.015	AUTHORITY OF ARBITRATORS.....	12
20.016	DISCOVERY	13
20.017	FORM AND CONTENT OF AWARD	13
20.018	FILING AN AWARD AND APPEAL	13

APPENDIX 1: SETTLEMENT CONFERENCE ORDER

APPENDIX 2: JOINT NOTICE OF TRIAL READINESS AND TRIAL DATE AVAILABILITY

APPENDIX 3: ORDER TO SHOW CAUSE

APPENDIX 4: NOTICE OF READINESS FOR DECISION

APPENDIX 5: OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR

APPENDIX 6: STIPULATION FOR BINDING VOLUNTARY ARBITRATION

APPENDIX 7: ORDER FOR BINDING VOLUNTARY ARBITRATION

**11TH JUDICIAL DISTRICT
DESCHUTES COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES**

**DESCHUTES COUNTY COURTHOUSE
1100 NW BOND STREET
BEND, OR 97703**

CHAPTER 1 – GENERAL PROVISIONS

1.171 WEBSITE ADDRESS

The 11th Judicial District’s website address is:

<https://www.courts.oregon.gov/courts/deschutes/Pages/default.aspx>

CHAPTER 3 – DECORUM IN PROCEEDINGS

3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the common area located on the second floor of the Deschutes County Courthouse. Special effort should be made to reduce any disruption caused by media coverage on the public and/or court proceedings.

CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES

4.040 NO MOTIONS FOR RECONSIDERATION; EXCEPTIONS

- (1) Except as provided under (2), no motion for reconsideration on any pretrial, trial, or post-trial criminal matter may be considered or heard by any judge sitting in the 11th Judicial District.
- (2) Exceptions:
 - (a) Reconsideration may, at the court’s discretion, be allowed upon motion if the moving party specifically identifies newly-decided, newly-enacted, or previously undisclosed and controlling legal authority.
 - (b) The provisions of paragraph (1) do not apply to any statutory motion to modify, set

aside, vacate, suppress, or rescind.

- (c) Nothing in this rule limits the authority of a judge to review any previously decided matters on the court's own motion.

CHAPTER 5 – PROCEEDINGS IN CIVIL CASES

5.045 NO MOTIONS FOR RECONSIDERATION; EXCEPTIONS

- (1) Except as provided under (2), no motion for reconsideration on any pretrial, trial, or post-trial civil matter may be considered or heard by any judge sitting in the 11th Judicial District.
- (2) Exceptions:
 - (b) Reconsideration may, at the court's discretion, be allowed upon motion if the moving party specifically identifies newly-decided, newly-enacted, or previously undisclosed and controlling legal authority.
 - (b) The provisions of paragraph (1) do not apply to any statutory motion to modify, set aside, vacate, suppress, or rescind.
 - (c) Nothing in this rule limits the authority of a judge to review any previously decided matters on the court's own motion.

CHAPTER 6 – TRIALS

6.012 SETTLEMENT CONFERENCES

- (1) If one party requests a pretrial settlement conference, or in cases designated by the court, a mandatory settlement conference shall be held. However, scheduling of a settlement conference is subject to judicial availability and a settlement conference shall not be scheduled so as to delay trial of the case. The pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Any request for a judicial settlement conference should be made by written motion supported by an affidavit containing the following information:
 - (a) The date of filing of the case and, in civil and domestic relations cases, the date each defendant or respondent was served;

- (b) In criminal cases, defendant's release status and, if defendant is in custody, whether defendant has waived his or her right to trial within sixty (60) days;
 - (c) All future court dates, including the trial date, if set;
 - (d) Anticipated length of trial;
 - (e) Prior trial dates;
 - (f) Status of the pleadings, *i.e.* whether all pleadings have been filed and the case is at issue;
 - (g) Status of discovery and whether the discovery process has been completed;
 - (h) Whether motions must be heard prior to the settlement conference and whether such motions have been filed;
 - (i) A detailed description of the efforts the parties have made to date to settle the case without the assistance of the court (do not disclose any details regarding offers of settlement);
 - (j) A description of all unsettled matters in the case;
 - (k) The position of all parties and counsel regarding the motion for a judicial settlement conference;
 - (l) Whether non-judicial settlement options are available and, if so, why such non-judicial options are not being used; and
 - (m) Reasons that demonstrate a particular need for a judicial settlement conference.
- (3) The decision on the motion for judicial settlement conference will be made by the assigned trial judge. No case will be scheduled for a judicial settlement conference unless the assigned trial judge has ordered that the case be so scheduled. The court will prepare an appropriate order. A form of order scheduling a settlement conference is attached as set forth in Appendix 1.
- (4) The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the court. The attendance of all parties and their trial attorneys is required. When a party is insured, a representative of the insurance company with authority to settle the case shall be in attendance. Upon a showing of good cause, the judge conducting the settlement conference may excuse a party from

personally appearing, but the party may be required to participate by conference call.

- (5) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.
- (6) For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the court imposing appropriate sanctions as described in UTCR 1.090. Cases set for a settlement conference shall retain their place on the trial docket.
- (7) If settlement negotiations are not successful, counsel should be prepared to proceed to trial on the date scheduled. The court will make every effort to ensure the case proceeds to trial on the date scheduled.
- (8) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, in accordance with UTCR 6.020.

CHAPTER 7 – CASE MANAGEMENT AND CALENDARING

7.005 ENTRY OF GUILTY PLEA BY ATTORNEY IN MISDEMEANOR CASES IN DEFENDANT'S ABSENCE

When an attorney enters a guilty plea for a non-appearing defendant charged with a misdemeanor, the attorney shall submit a guilty plea petition filled out and signed by the defendant. The plea petition shall be similar to that provided by this court.

7.015 SETTING MOTION AND TRIAL DATE IN CRIMINAL CASES

- (1) Criminal motions are set or reset in court or by telephone. Counsel is required to have their calendars available when setting and resetting dates. The court may provide written confirmation of the date.
- (2) Criminal trials are set in court. When cases are continued under UTCR 6.030, criminal trials may be reset in court or by telephone. Counsel is required to have their calendars available when setting and resetting dates. The court may provide written confirmation of the date.

7.025 SETTING MOTION AND TRIAL DATE IN CIVIL CASES

- (1) Civil motions are set and reset by telephone with the court customarily not providing

written confirmation of the date or may be set by written notice without prior consultation with counsel. Civil motions may also be set in court or in chambers during a pretrial conference with counsel being required to appear in person or by conference call with their calendars.

- (2) Civil trials are set by filing a Notice of Trial Readiness and Trial Date Availability form (Appendix 2) within the time frame designated in UTCR 7.020(6). Filing the Notice of Trial Readiness and Trial Date Availability form satisfies the requirements of UTCR 7.020(6)(a). The Notice of Trial Readiness and Trial Date Availability form should be used to request a conference with the presiding judge or designee under UTCR 7.020(6)(b).

7.036 MANDATORY APPEARANCE IN CRIMINAL PROCEEDINGS

Counsel for the defendant, the defendant and counsel for the state with the authority to negotiate, must appear at the following settings unless waived by the court within 48 hours before the scheduled hearing: plea/set trial hearings, pretrial conferences, trial call and trial.

7.042 MOTION FOR CHANGE OF JUDGE

An affidavit and motion for change of judge shall be made at the time and in the manner prescribed in ORS 14.260.

7.045 SETTING MOTION DATES IN DISSOLUTION CASES

- (1) Dissolution motions may be set in court, in chambers during a pretrial conference or by telephone. Counsel is required to have their calendars available when setting and resetting dates. The court may provide written confirmation of the date.

7.055 SETTING SHOW CAUSE HEARINGS

- (1) Show cause hearings are set by telephone or may also be set by written notice without prior consultation with counsel. The court may confirm the date on a pre-stamped postcard or copy of the order, if provided by counsel.
- (2) Show cause hearings are reset by telephone. The attorney is instructed to prepare an order postponing the hearing to the new date and time, and that order is served on all other parties. Occasionally a show cause hearing is reset in court with all parties present and written confirmation is not provided by the court.

CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS

8.012 TIME FOR FILING CERTAIN DOCUMENTS IN DOMESTIC RELATIONS PROCEEDINGS

The following documents must be filed with the court and a courtesy copy must be provided to the judge not less than one full business day prior to the beginning of the trial in actions for dissolution of marriage, separate maintenance, annulment, child custody, and child support:

- (1) The 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 required under UTCR 8.010 (3). Parties are encouraged to prepare joint statements where feasible.
- (2) The Uniform Support Declaration required under UTCR 8.010(4).
- (3) The alternate affidavit in lieu of the Uniform Support Declaration under UTCR 8.010(5).
- (4) The parties' proposed Parenting Schedule as required under SLR 8.075.

8.041 PREJUDGMENT RELIEF UNDER ORS 107.095(1)

- (1) A party presenting an *ex parte* matter must serve notice of the presentation on all opposing counsel of record or parties that have appeared *pro se*.
- (2) A Uniform Support Declaration in the form specified at www.courts.oregon.gov/forms shall be filed contemporaneously with an affidavit filed in support of any motion for temporary support. A party opposing the motion shall also file a Uniform Support Declaration in the form specified at www.courts.oregon.gov/forms contemporaneously with an affidavit filed in opposition to any motion for temporary support.

8.045 TEMPORARY PROTECTIVE ORDERS OF RESTRAINT AND EX PARTE CUSTODY/ PARENTING TIME ORDERS

Issuance of a temporary protective order of restraint or an *ex parte* temporary order providing for the custody of, or parenting time with, a child is governed by ORS 107.095 and ORS 107.097.

8.046 EDUCATION FOR PARENTS

- (1) The following cases are subject to this rule: annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or parenting time and post-judgment litigation involving custody or parenting time.
- (2) All parties, where the interest of a child under the age of eighteen (18) years is involved,

shall successfully complete the education for divorcing parents program offered by the court designated providers or a pre-approved alternative education program. Parties shall register for the program or make application for approval of an alternate program within fifteen (15) days of receiving notice of this education requirement. All parties shall complete the program before the initial pretrial conference.

- (3) Notice and instructions to the petitioner of the requirement that the parties complete the education program or alternative education program will be provided by the trial court administrator when the petition is filed. Petitioner, when serving the respondent with the petition, shall also include a copy of the trial court administrator's notice. The petitioner's return of service on the respondent shall indicate service of the notice with the summons and petition.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigency to the court, and the party meets indigency guidelines.
- (5) Each person who successfully completes the court's program or the preapproved alternative program shall present a certificate of completion to the judge at the pretrial conference.
- (6) Upon a showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit, and filed within fifteen (15) days of receipt of the trial court administrator's notice.
- (7) Court action on a petition shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is the petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including, but not limited to, proceedings for contempt.

8.055 ORDERS TO SHOW CAUSE

See SLR 7.045 for scheduling matters in domestic relations proceedings.

- (1) The procedures of this rule are limited to domestic relations cases. Domestic relations cases shall mean petitions for dissolution of marriage, legal separation, paternity, custody, filiations and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.
- (2) An order to show cause will be allowed only upon the motion of a party supported by affidavit. The order to show cause will not contain a date for hearing. It shall provide that the adverse party must file a written response in opposition within fourteen (14) days from the date of service of the order and affidavit, or within such additional time as allowed by

the court upon a showing of good cause. The order must further advise the adverse party that if such written response in opposition is not so filed and served within the fourteen (14) days, the order requested by the motion and show cause order will be granted and entered by the court. (An example order is attached as set forth in Appendix 3.) Post-judgment motions to set aside, alter or modify any terms of the judgment shall provide that the adverse party must file and serve a written response in opposition to the motion within thirty (30) days from the date of the service of the order and affidavit. The order must further advise the adverse party that if such written response in opposition is not so filed and served within thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the court.

- (3) If the opposing party fails to file the written response in opposition within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters. The court reserves the right to enter the order requested if the opposing party does not file the written response in opposition and may do so upon its own motion if the moving party fails to present for signature the order required above.
- (4) Except for *pendente lite* motions for temporary child or spousal support, upon the opposing party filing a written response in opposition, either party shall forthwith, by motion, request a hearing date to be set to determine the issues raised by the motion to show cause and the affidavit. If either party fails to submit a motion requesting such hearing date, the court reserves the right to set such date on its own motion. The first paragraph of motion requesting a hearing date shall include the information required by UTCR 5.050.
- (5) Except for *pendente lite* motions for temporary child or spousal support, this procedure shall apply to all orders to show cause in domestic relations matters whether they be pretrial or post-judgment or any other matters properly raised by the procedure of an order to show cause.
- (6) *Pendente lite* motions for temporary child and spousal support filed pursuant to ORS 107.095(1)(a) and (b) and other motions for temporary financial orders filed pursuant to ORS 107.095(1)(f) shall be determined without testimony, based on an affidavit and a Uniform Support Declaration from each party. Such motions shall be filed separately from other *pendente lite* motions. In any case involving temporary child support, the affidavit filed by each party shall include a child support computation worksheet. When the matter is ready for decision, the moving party shall notify the court by filing a Notice of Readiness for Decision. (An example notice is attached as set forth in Appendix 4.)

8.121 MANDATORY USE AND TIME FOR FILING OF UTCR FORM 8.120.1

- (1) Use of the Domestic Relations Trial Process Selection and Waiver for Informal Domestic

Relations Trial Form 8.120.1 provided at www.courts.oregon.gov/forms is mandatory.

- (2) Each party shall file a Domestic Relations Trial Process Selection and Waiver for Informal Domestic Relations Trial Form 8.120.1 provided at www.courts.oregon.gov/forms at, or any time prior to, the trial readiness hearing.

CHAPTER 9 – PROBATE AND ADOPTION PROCEEDINGS

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/ CONSERVATOR

- (1) Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding should inform a court clerk at the information counter located in the Deschutes County Courthouse, 1100 NW Bond Street, Bend, Oregon. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the petition. Upon receipt of the objection the court will schedule a hearing and notify the appropriate parties.
- (2) The court clerk will automatically provide the objection form as set forth in Appendix 5, when requested by the objecting party.

9.161 FORM OF ACCOUNTINGS

Accountings in estates and conservatorships must be substantially in Form 9.160 provided at www.courts.oregon.gov/forms.

CHAPTER 11 – JUVENILE COURT PROCEEDINGS

11.051 PERSONAL APPEARANCE REQUIRED

In all termination and dependency cases, parent(s) and any guardian(s) shall be served a Summons to personally appear at a time and place specified to answer the Petition. The parent(s) and any guardian(s) must personally appear in court at the time and date specified in the Summons. A written appearance shall not be permitted. A parent or guardian may make written application to the court for their personal appearance by telephone in extraordinary circumstances; however, the written application must be filed with the court two (2) days prior to the time scheduled for the parent's or guardian's personal appearance. The written application must include the person's current residence address, mailing address, telephone number, and the person's acknowledgment that it is their obligation to initiate/place the telephone call to the court at the time scheduled for their appearance.

11.095 TIMELINES FOR DISCOVERY/FILING OF PAPERS

Unless good cause is shown:

- (1) prior to or at the first appearance, parties must disclose initial available discoverable material. A party must also notify opposing counsel and disclose subsequent discoverable material within 48 hours of receipt. Both parties must complete discovery 24 hours before the pre-hearing conference;
- (2) all motions must be filed in writing before the pre-hearing conference;
- (3) motions will be considered waived if not filed timely; and
- (4) all documents shall be filed with the juvenile court clerk at least one day prior to the hearing and show proof of concurrent service of true copies upon the other attorneys and unrepresented parties.

11.115 SUMBISSION OF EXHIBITS

- (1) In all hearings and trials of juvenile cases, counsel for each party who offers one or more exhibits at the hearing or trial shall electronically file the exhibits with the court in the manner required by UTCR 11.110(2).
- (2) Counsel shall electronically file all exhibits offered and received as a single document and exhibits offered and not received as a separate, single document, subject further to the requirements of UTCR 21.040 as may be applicable.

CHAPTER 12 – MEDIATION

12.015 MEDIATION OF CHILD CUSTODY AND PARENTING TIME

- (1) In any domestic relations suit involving a contest over custody or parenting time of children, the parties shall make themselves available to the court's mediation service.
- (2) If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations case, both parents, or their attorneys, may either sign and file with the court a stipulated request for mediation or file with the court and serve upon the other parent, or his/her attorney, a request for mediation in substantially the form provided by the court. The parents will be referred by the court to the court-connected mediation program in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their stipulated request for mediation.

- (3) If the parties select a mediator independent of the court system, they shall directly contract with the independent mediator and be responsible for payment of any fee for mediation service.
- (4) Parties shall make every effort possible to resolve custody and parenting time issues before the pretrial conference. Counsel should be prepared to inform the court of the status of mediation during the pretrial conference.
- (5) In the event the parents are not successful in mediating the custody or parenting time controversy, the mediator shall notify the court. The matter will be scheduled for a hearing in the same course and with the same priority on the docket as though there had been no mediation.
- (6) Counsel for either party will not be allowed to attend mediation proceedings.
- (7) All mediation proceedings shall be private and all communications made shall be confidential, except as otherwise provided by statute. A spouse or any other individual engaged in mediation proceedings shall not be examined in any civil or criminal action as to such communications and such communications shall not be used in any civil or criminal action without the consent of the parties.

CHAPTER 13 – ARBITRATION

13.065 MANDATORY ARBITRATION NOT REQUIRED

Arbitration shall not be required if all parties participate in:

- (1) a mediation approved by the presiding judge or his/her designee; or
- (2) a pretrial settlement conference as provided in SLR 6.012.

CHAPTER 16 – VIOLATIONS

16.005 TRIAL BY AFFIDAVIT OR DECLARATION UNDER PENALTY OF PERJURY

If a signed waiver is filed by the alleged violator, testimony in a traffic infraction or violation trial is allowable by affidavit or by declaration under penalty of perjury. A copy of the affidavit(s) or declaration(s) will be made available to all parties before the trial.

CHAPTER 20 – VOLUNTARY ARBITRATION

20.011 MATTERS SUBJECT TO VOLUNTARY ARBITRATION

- (1) These rules were developed to encourage voluntary alternative dispute resolution techniques. Rules 20.011 through 20.018 do not apply to cases otherwise subject to arbitration under UTCR Chapter 13.
- (2) In a civil or dissolution action where all parties have appeared and agreed to binding arbitration by written stipulation, the court shall refer the action to arbitration. This referral shall be by an order staying the proceedings pending arbitration.
- (3) The written stipulation must be filed with the court, shall be signed by all parties and counsel, and conform substantially to the form required by the court. (An example stipulation and order form is set forth in Appendices 6 and 7.)

20.012 AMERICAN ARBITRATION ASSOCIATION COMMERCIAL ARBITRATION RULES GOVERN

Unless specifically covered by these rules, the American Arbitration Association Commercial Arbitration Rules (As amended June 1, 2009, and as subsequently amended) shall govern arbitration proceedings ordered by the court. In addition, the following American Arbitration Association Commercial Arbitration Rules are adopted specifically to eliminate repeated language: Rule R-9, R-10, R-18, R-26 and R-39. Copies of the rules may be found on the American Arbitration Association website at: www.adr.org.

20.013 ARBITRATION WHERE CASE ALREADY SET FOR TRIAL

Parties shall make every attempt to enter into an arbitration stipulation as soon as possible after filing of the court proceeding. Cases will not be transferred to arbitration when they are within seven (7) days of the set trial date, unless authorized by the court.

20.014 SELECTING ARBITRATORS

- (1) Parties may select any person to serve as arbitrator and negotiate appropriate fees.
- (2) The court shall maintain a list of arbitrators. If parties are unable to select an arbitrator, they may request the court to furnish a list of local lawyers desiring to serve as arbitrators.

20.015 AUTHORITY OF ARBITRATORS

In addition to the authority granted arbitrators under the American Arbitration Rules, arbitrators may:

- (1) decide procedural issues arising before or during the arbitration hearing, except issues relating to the qualification of an arbitrator;
- (2) invite, with reasonable notice, the parties to submit trial briefs;
- (3) after notice to the parties, examine any site or object relevant to the case;
- (4) issue a subpoena;
- (5) administer oaths or affirmations to witnesses;
- (6) rule on the admissibility of evidence;
- (7) determine the facts, apply the law and make an award, and perform other acts as authorized by these rules;
- (8) determine the place, time and procedure to present a motion before the arbitrator, including motions for summary award as set forth in the Oregon Rules of Civil Procedure;
- (9) require a party, an attorney advising a party, or both to pay the reasonable expenses, including attorney fees, caused by the failure of such party or attorney or both, to obey an order of the arbitrator;
- (10) award attorney fees as authorized by these rules, by contract or by law; and
- (11) rule on an objection to a cost bill.

20.016 DISCOVERY

Discovery is authorized under these rules. Discovery shall be conducted in accordance with the Oregon Rules of Civil Procedure, except that all motions concerning discovery shall be determined by the arbitrator.

20.017 FORM AND CONTENT OF AWARD

Arbitration awards shall include findings of fact and shall conform to ORCP 62.

20.018 FILING AN AWARD AND APPEAL

The court shall receive the original copy of the arbitrator's award. All parties and the court shall be served the award at the same time. The entry of the award as a judgment and its appeal shall be governed by statute.

1
2
3
4
5
6 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
7 **FOR THE COUNTY OF DESCHUTES**
8

9) Case No. _____
10)
11 Petitioner/Plaintiff) SETTLEMENT CONFERENCE ORDER
12 vs.)
13)
14)
15 Respondent/Defendant)
16)
17
18

19 IT IS HEREBY ORDERED that the parties and their counsel shall appear for a settlement
20 conference on _____ 20 ____, at _____ a.m./p.m., before Judge
21 _____.
22

23 Each attorney and party or representative of a corporation or insurance company who has full
24 authority to settle and compromise the litigation shall personally appear at the settlement conference.
25 Each attorney or party shall submit to the settlement judge, no less than one (1) business day prior to
26 the scheduled settlement conference, a settlement memorandum. The memorandum shall contain the
27 following:
28

- 29 1. A brief analysis of the issues involved in the litigation.
30
31 2. Status of any settlement negotiation, including the last settlement proposal made by you
32 and received by you.
33
34 3. A settlement proposal that you believe would be fair.
35
36 4. Any obstacles to settlement.
37
38
39

1 This document should not exceed three (3) pages in length and does not have to be served on
2 other attorneys or parties. In domestic relations cases each attorney shall also provide to the
3 settlement judge a proposed distribution of assets and liabilities, and if support is involved, a proposal
4 for child and/or spousal support, no less than one (1) business day prior to the scheduled settlement
5 conference. This document shall be served on the opposing attorney or party. All documents and
6 information submitted to the settlement judge shall be presumed confidential unless a copy is provided
7 to the opposing side(s).

8
9 The attorneys for the parties shall determine with certainty the amount of any third party liens
10 or subrogated interests to the settlement conference. The third party claims representative shall be
11 available by telephone if such interests need to be considered and resolved as part of any settlement.

12
13 Motions for continuance of a settlement conference shall be made in a timely manner to the
14 settlement conference judge. No settlement conference shall be reset if it would interfere with a
15 scheduled trial date without the permission of the assigned trial judge. Any request to depart from this
16 settlement conference order must be made to the settlement conference judge.

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF DESCHUTES**
6

7 _____) Case No. _____
8 _____)
9 Plaintiff) JOINT NOTICE OF TRIAL READINESS
10 vs.) AND TRIAL DATE AVAILABILITY (Civil)
11 _____)
12 _____)
13 Defendant)
14 _____)
15
16

17 This Notice is being filed:

18 ☐

Jointly by all parties

19 ☐

By Plaintiff

20 ☐

By Defendant

21 ☐

Other _____

22
23 If not being filed jointly, the following efforts were made to contact and confer with opposing party:
24 _____
25 _____
26 _____
27

28 The parties are ready to proceed to trial. The court will set a trial date between ten (10) and fourteen
29 (14) months from the date of filing unless counsel requests that the trial date be set sooner below.

30 ☐

Counsel requests that the trial be set for one of the following weeks:

31 _____
32 _____

33 **OR**

34 ☐

Counsel requests that the trial be set earlier than ten (10) months from the date of filing, within a
35 four (4) month period commencing on ____/____/____. Counsel are unavailable on the
36 following dates: _____
37 _____
38
39

The parties separately estimate that the presentation of their case at trial, including jury selection (if applicable), opening statements, witness testimony and cross-examination, closing arguments, and jury instructions (if applicable) will take:

Plaintiff: _____ days Defendant: _____ days Other party: _____ days

☐ This case is not ready to set a trial date because:

The parties request that the deadline for submission of available trial dates be extended by 30 days to _____, 20____. Two 30-day extensions per case will be administratively granted without regard to which party is requesting or has previously requested an extension.

Submitted by:

Attorney for Plaintiff

Submitted by:

Attorney for Defendant

1
2
3
4
5
6
7
8 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
9 **FOR THE COUNTY OF DESCHUTES**
10

11 In the Matter of the)
12 Marriage of)

13)
14 _____) Case No. _____
15 Petitioner)

16) ORDER TO SHOW CAUSE
17 And)
18)
19 _____)
20 Respondent/Defendant.)

21
22 The ____ Petitioner ____ Respondent having moved the court for an order granting pendente
23 lite relief:
24

25 IT IS HEREBY ORDERED The following relief is granted immediately:
26

- 27 1. _____
28
29 _____
30
31 _____
32
33
34 2. _____
35
36 _____
37
38 _____
39

1 IT IS HEREBY ORDERED that the following relief will be granted in fourteen (14) days if no objection is
2 filed:

- 3
- 4 1. _____
- 5
- 6 _____
- 7
- 8 _____
- 9
- 10
- 11 2. _____
- 12
- 13 _____
- 14
- 15 _____
- 16

17 **If you wish to object to the relief requested above, you must file and serve a**
18 **written response in opposition to the Motion to Show Cause within fourteen**
19 **(14) days from the date of service of this Order or within such additional time**
20 **as allowed by the court upon a showing of good cause. The court reserves the**
21 **right to require the taking of testimony of the moving party in default matters.**
22 **The court reserves the right to enter the order requested if the opposing party**
23 **does not file the required written response in opposition and may do so upon**
24 **its own motion if the moving party fails to present the required order.**

25

26 **If you file a written response in opposition, either party shall forthwith, by**
27 **motion, request a hearing date to be set to determine the issues raised by the**
28 **Motion to Show Cause. If either party fails to submit a motion requesting such**
29 **hearing date, the court reserves the right to set a date on its own motion.**

30

31

32

33

34

35

36

37 _____

38

39

40

1
2
3
4
5 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
6 **FOR THE COUNTY OF DESCHUTES**
7

8 In the Matter of the)
9 Marriage of)

10)
11 _____) Case No. _____
12 Petitioner,)

13)
14 And) NOTICE OF READINESS FOR DECISION

15)
16 _____)
17 Respondent.)
18
19

20 The pending motion to show cause for pendente lite relief is at issue, and the moving party
21 requests the court decide the motion five (5) judicial days after filing this Notice. The motion should be
22 decided on the following documents:
23

- 24 1. Motion and Order to Show Cause RE: Temporary Spousal and Child Support;
25 2. Affidavit in Support of Motion and Order to Show Cause;
26 3. Affidavit in Opposition to Motion and Order to Show Cause;
27 4. Uniform Support Declaration of Petitioner; and
28 5. Uniform Support Declaration of Respondent.
29

30 DATED this ____ day of _____, 20____.
31
32
33

34 _____
35 Attorney for Moving Party

36
37 Bar No. _____
38
39

1
2
3
4
5
6 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
7 **FOR THE COUNTY OF DESCHUTES**
8

9 Guardianship/Conservatorship of) Case No. _____
10)
11) OBJECTION TO PETITION FOR
12) APPOINTMENT OF GUARDIAN/
13) CONSERVATOR
14)
15

16 I, _____,
17 *(Objecting party's name and relationship to the Protected Person)*
18

19 hereby object to the Protective proceeding or the proposed guardian or conservator for the
20 following reasons *(state reasons below and use additional sheet if necessary)*:
21 _____
22 _____
23 _____
24

25
26 _____
27 Signature of Objecting Party Date
28

29 _____
30 Printed Name of Objecting Party
31

32 _____
33 Address or Contact Address
34

35 _____
36 City, State and Zip Code
37

38 _____
39 Telephone or Contact Telephone Number(s)
40

41 Page 1 - OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/ CONSERVATOR

1
2
3
4
5
6 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
7 **FOR THE COUNTY OF DESCHUTES**
8

9
10 _____) Case No. _____
11 Petitioner/Plaintiff)
12 vs.) STIPULATION FOR
13) BINDING VOLUNTARY
14) ARBITRATION
15 Respondent/Defendant)
16 _____)
17
18

19 The undersigned certifies that each party in this case has filed an appearance and requests that
20 this case be transferred to arbitration. This case is not set for trial during the next seven (7) days.
21
22

23 TYPE OF CASE: _____ Tort; _____ Contract; _____ Domestic Relations
24
25

26 The parties stipulate to the following as arbitrator and agree to be bound by the arbitrator's
27 decision. The arbitrator has agreed to serve.
28

29 _____
30 _____
31 _____
32 _____
33 _____

34 Name and Address of Arbitrator
35
36
37
38
39

1 IT IS SO STIPULATED
2
3
4
5

6 _____
Signature of Attorney Date

7
8 Attorney for: _____
9

Name and Address of Attorney

10
11 _____
Phone: _____

12 Client's Signature Date
13
14
15

16 _____
17 Signature of Attorney Date

18
19 Attorney for: _____
20

Name and Address of Attorney

21
22 _____
Phone: _____

23 Client's Signature Date
24
25
26
27
28
29
30
31
32
33

34 THIS FORM SHOULD BE FILLED OUT, SIGNED, AND FILED WITH THE COURT MORE THAN SEVEN (7)
35 DAYS PRIOR TO THE SET TRIAL DATE. A COPY OF THE COURT'S ARBITRATOR LIST IS AVAILABLE UPON
36 REQUEST.
37
38
39

40 Page 2 - STIPULATION FOR BINDING VOLUNTARY ARBITRATION

1
2
3
4
5
6 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
7 **FOR THE COUNTY OF DESCHUTES**
8

9
10 _____) Case No. _____
11 Petitioner/Plaintiff)
12 vs.) ORDER FOR
13) BINDING VOLUNTARY
14) ARBITRATION
15 Respondent/Defendant)
16 _____)
17
18

19 The court having received the stipulation of the parties to enter into binding voluntary
20 arbitration,
21

22 IT IS HEREBY ORDERED that all court proceedings are stayed pending arbitration and that the
23 court will enter the arbitrator's decision pursuant to ORCP 70B.
24
25
26
27
28
29
30
31 _____
32
33
34
35
36
37
38
39
40