

CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES

OF THE CIRCUIT COURT OF JACKSON COUNTY

FIRST JUDICIAL DISTRICT OF OREGON

I, Mark S. Schiveley, Presiding Judge of the First Judicial District of Oregon, hereby certify that attached hereto is a complete, true and correct copy of the Supplemental Trial Court rules of the Circuit Court for Jackson County, effective February 1, 2003.

Dated:

Mark S. Schiveley, Presiding Judge

**JACKSON COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES**

TABLE OF CONTENTS

HOURS AND TIMES OF OPERATION

1.151	1
1.171	1

STANDARDS FOR PLEADINGS AND DOCUMENTS

2.081 Removal of Records and Files	1
2.101 Way of Necessity	1-2

PROCEEDINGS IN CRIMINAL CASES

4.011 Pretrial Motions	2
4.012 Authority in Support of Motions	2
4.013 Form of Order	2

PROCEEDINGS IN CIVIL CASES

5.061 Civil Motions	3-4
5.062 Stipulated or Ex Parte Orders	4

TRIALS

6.001	Demand for Reporting	5
6.011	Pretrial Conferences in Civil Cases.....	5-6
6.012	Settlement Conferences.....	6-7
6.211	Docket Call and Jury Trial Settings	7

CASE MANAGEMENT AND CALENDARING

7.011	Guilty Pleas	7
7.012	Order on Arraignment	7
7.013	Releases of Defendant Upon Order on Arraignment	7
7.014	Pretrial Conference Settings in Criminal Cases	8
7.015	Appearance at Criminal Case Pretrial Conference	8
7.016	Pretrial Report	8
7.017	Alternative Methods of Jail Service	8
7.018	Motions Days	8
7.019	Initial Appearance on Other Matters	8
7.021	Jury Trial Request After Trial Set	9
7.022	Mental Hearings	9
7.023	Status Check Conference in Criminal Jury Trials	9

DOMESTIC RELATIONS PROCEEDINGS

8.011	Mediation of Child Custody Visitation	9-10
8.012	Dismissal of Divorce Cases	10
8.013	Mandatory Parent Education Program	10-11
8.071	Restraining Orders	12

PROBATE AND ADOPTION PROCEEDINGS

9.081	Probate and Protective Proceedings	12-13
-------	--	-------

CIVIL MEDIATION

12.001	Child Custody Mediation	13
12.002	Matters Subject to Mediation	13
12.003	Alternative Dispute Resolution Commission	13
12.004	Mediation Panel Established	13
12.005	Appointment of Mediation Panel	13-14
12.006	Removal From Mediation Panel	14
12.007	Motions	14
12.008	Referral to Mediation	14-15
12.009	Exemption From Mediation	15
12.010	Assignment of Mediator and Scheduling	15
12.011	Compensation of Mediators	15-16
12.012	Completing Mediation	16

12.013 **Good Faith Mediation**17

CIVIL ARBITRATION

13.003 **Alternative Dispute Resolution
Commission**17

13.005 **Arbitration Program**17

13.021 **Matters Subject to Arbitration**17

13.022 **Referral to Arbitration**17-18

13.023 **Compensation of Arbitrators**18

TRAFFIC VIOLATIONS

16.001 **Demand for Reporting**18

16.002 **Traffic Violations-Confirmation of
Intent to Appear**18

APPENDIX

A. **Notice of Representation and Order on
Arraignment**.....20-21

B. **Pretrial Report**.....22-23

C. **Civil Evidentiary Motion Notice of
Hearing**.....24

D. **Plea Notice**25-26

JACKSON COUNTY CIRCUIT COURT

**SUPPLEMENTARY LOCAL RULES
FEBRUARY 1, 2003**

CHAPTER 1 - HOURS AND TIMES OF COURT OPERATION

1.151

Jackson County Courts will be open for business and to receive papers for filing at the Jackson County Justice Building, 100 S. Oakdale, Medford, Oregon, from 8:30 a.m. to 5:00 p.m. Monday through Friday. The Court will be closed for all official holidays.

1.171

The Jackson County Courts website can be found at <http://jackson-court.ojd.state.or.us>.

CHAPTER 2 - STANDARDS FOR PLEADINGS AND DOCUMENTS

2.081 Removal of Records and Files

Officers of the court may remove the records and files from the clerk's office for the purpose of delivering the records and files to the judge for signature by the judge of Orders, Judgments and Decrees therein, and shall return the records to the clerk's office.

2.101 Way of Necessity

- (1) In addition to the service of the petition as required by law, petitioner shall cause a copy of the petition to be served on the county engineer by certified mail, return receipt requested.
- (2) Upon receipt of the petition, the county engineer (or any licensed civil engineer or registered surveyor designated by him) shall within thirty (30) days prepare and file with the clerk of the court the report required by ORS 376.160.
- (3) Upon receipt of the engineer's report, the clerk shall cause copies thereof to be forthwith mailed to petitioner and any persons upon whom the original petition was served. If the engineer's report

includes any alternative route over land owned by persons other than those served by the original petition, petitioner shall forthwith cause a copy of the petition, a summons, and the engineer's report to be served upon such owner in the manner provided for the service of the original petition.

- (4) Petitioner shall at the time of filing the original petition deposit with the clerk \$750.00 cash as a deposit on expenses to be incurred by the county or other persons as the result of the petition and action there on. The \$750.00 cash deposit may, in the exercise of the court's legal discretion, be refunded to the depositor in the event no expenses are incurred. Any filing fee required by law shall not be subject to return.

CHAPTER 4 - PROCEEDINGS IN CRIMINAL CASES

4.011 Pretrial Motions

All pretrial motions not covered by UTCR 4.010 shall be filed with the court at or before the time of the pretrial conference. The court shall set the matter for hearing and notify the parties in writing of the date of said hearing. Unless for good cause shown, no such hearing shall be set in less than 14 days of the filing of said motion.

4.012 Authority in Support of Motions

Every motion shall be accompanied by or include a memorandum of law or a statement of points and authorities, explaining how any relevant authorities support the contentions of the moving party.

4.013 Form of Order

All motions with only one element or particular, and all demurrers, shall be accompanied by a form of order upon which the court may either allow or deny the motion or sustain or overrule the demurrer.

CHAPTER 5 - PROCEEDINGS IN CIVIL CASES

5.061 Civil Motions

- (1) There are three types of civil motions: Evidentiary, non-evidentiary and ex parte.
 - (a) Evidentiary motions are motions in which it is contemplated that evidence will be taken.
 - (b) Non-evidentiary motions shall be heard without the taking of evidence.
 - (c) Ex parte motions may or may not require the taking of evidence.
- (2) Evidentiary motions shall be commenced by the filing of a motion asking for specific relief. They shall be supported by an affidavit and/or an ORCP 17 certified statement setting forth the factual and/or legal grounds for the relief sought. The documents filed shall reasonably apprise the opposing party(ies) of the issues sought to be determined.
 - (a) Evidentiary motions shall be accompanied by a completed "Civil Evidentiary Motion Notice of Hearing" form. Service of the motion, the form, and any supporting documents shall be made pursuant to ORCP 7 or ORCP 9, as determined by the status of the case.
 - (b) Evidentiary motions shall be heard at 9:00 A.M. on any Monday by the judge to whom the case or motion is assigned. If Monday is a holiday, evidentiary motions shall be heard on the following Tuesday at 9:00 A.M., or as otherwise set by the clerk. Evidentiary motions shall be scheduled seven (7) or more days after service, if the opposing party is served in Jackson County and fourteen (14) or more days after service, if the opposing party is served outside Jackson County.
 - (c) Evidentiary motions shall not be accompanied by an order to show cause, unless such an order is required by statute or rule. If a show cause order is utilized, the statute or rule requiring said order shall be noted on the face of the order.
- (3) Non-evidentiary motions shall be heard at 2:00 P.M. on Monday of each week. If Monday is a holiday, non-evidentiary motions shall be heard on the following Tuesday at 2:00 P.M., or as otherwise set by the Clerk.
 - (a) The clerk shall set the time for hearing non-evidentiary motions.
 - (b) When oral argument is requested pursuant to UTCR 5.050, the motion shall be heard

on the first Monday after the expiration of twenty-one (21) days from the filing of the motion.

(c) If a party served with a non-evidentiary motion has a legal basis for presenting evidence, and so desires, said party may reschedule the motion as an evidentiary motion by utilizing the procedures concerning evidentiary motions.

5.062 Stipulated or Ex Parte Orders

- (1) A stipulated or ex parte matter may be presented to the judge to whom the case is assigned, or if unassigned, then to any individual judge, with that judge's permission. The presentation may be made in person by the moving party or attorney. The movant or attorney shall present the file of the case to the court prior to the execution of the order.
- (2) Emergency matters may be presented to a judge at any time, except as prohibited by 5.062 (4).
- (3) Stipulated or ex parte matters may also be left with the court clerk or any individual judge's judicial assistant for presentation to the judge in due course.
- (4) The court will not entertain ex parte matters while on the bench, other than the matter before the court for hearing.
- (5) Ex parte matters include, but are not limited to the following: default dissolution decrees, petitions for restraining orders under the provision of any Oregon law, motions for show cause orders, waivers of marriage license waiting periods, waivers of decree waiting periods in domestic relations cases, default orders and probate or guardianship orders.
- (6) No ex parte motion to continue shall be granted by the court unless the motion includes a statement setting forth the position of the opposing parties.

CHAPTER 6 - TRIALS

6.001 Demand for Recording

All traffic violations and county code violations shall be scheduled for trial or hearing without recording unless 14 days before trial written demand for recording is filed with the court, together with service upon the opposing party. Hearings subject to ORS 21.275 (4), (5), and (6) shall incorporate any request for recording in the caption. Payment shall be made prior to the hearing.

6.011 Pretrial Conferences in Civil Cases

- (1) A pretrial conference may be set by the court in any civil case to address the items set out in UTCR 6.010. If the Court does not set a pretrial conference, any party may request a setting.
- (2) The trial attorney or another attorney familiar with all aspects of the case shall appear at the pretrial conference. If unrepresented, the pro se litigant shall appear. Appearance by telecommunication may be requested, and if the office of the requesting person is located more than 25 miles from the courthouse, the request shall be granted.
- (3) The persons appearing at the pretrial conference shall be prepared to discuss the status of settlement discussions and the possibility of settlement.
- (4) The court may enter a pretrial order based on the issues addressed in the pretrial conference. The pretrial order may provide for deadlines for the following:
 - (a) Amendments or additions to pleadings.
 - (b) Motions.
 - (c) Discovery.
 - (d) Trial Memoranda.
- (e) Marking and exchange of all trial exhibits, except those to be used solely for impeachment purposes.

- (f) Submission of jury instructions.
- (g) Any other matter that may aid in the disposition of the action.

(5) The provisions of a pretrial order shall be enforced by the court, except on motion and for good cause shown.

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) 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 or insurance representative from personally appearing, but may require him or her to participate by telecommunication.
- (3) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate that the trial judge may also conduct the settlement conference.
- (4) 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.
- (5) 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.

- (6) 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.
- (7) Parties are required to file a detailed confidential settlement conference statement with the court, in the form prescribed by the settlement judge.

6.211 Docket Call and Jury Trial Settings

Attorneys and parties on all criminal cases set for jury trial shall appear at Docket Call at 8:00 a.m. on the scheduled trial date. The purpose is to determine the final status of the case and to be assigned to a trial court. All jury trials shall commence on Tuesdays, Wednesdays, or Thursdays.

CHAPTER 7 - CASE MANAGEMENT AND CALENDARING

7.011 Guilty Pleas

After an entry of a not guilty plea, the court must be notified of the intent to withdraw the not guilty plea and to enter a guilty plea before 3:00 p.m. on the day preceding the plea, except felony reductions, which must be filed before 3:00 p.m. two working days preceding the plea. Guilty pleas in criminal matters may be entered any court day at 9:00 a.m. for out of custody defendants, at 1:45 p.m., for in custody defendants, or at any regularly scheduled docket call.

7.012 Order on Arraignment

In misdemeanor cases and major traffic offenses when a jury trial is requested, the defendant's attorney may file an "Order on Arraignment" setting the matter for a pretrial conference. Said pretrial conference shall be scheduled in accordance with UTCR 7.010 (2). The "Order on Arraignment" shall waive formal arraignment and shall set forth that the attorney has advised the defendant of his/her right to remain silent, right to an attorney, and right to a jury trial. It shall further state that the attorney has explained to the defendant what he/she is charged with and the maximum penalty. Attached hereto as Appendix A is a sample form for use as an "Order on Arraignment".

7.013 Releases of Defendant Upon Order on Arraignment

When a bail decision has not already been made by the court, and the defendant's attorney files an order on arraignment, the defendant shall report to the release assistance office at least one week prior to the pretrial date for purposes of participating in a release decision.

7.014 Pretrial Conference Settings in Criminal Cases

All criminal cases in which a jury trial has been requested shall first be set for a pretrial conference within 35 days of the date of first appearance. Pretrial conferences shall be each Monday at 1:30 p.m. If a Monday is a holiday, there shall be no pretrials set for that week.

7.015 Appearance at Criminal Case Pretrial Conference

All parties and counsel of record shall appear at the pretrial conference for the purpose of setting a date certain for trial, except as provided in 7.016.

7.016 Pretrial Report

Appearance at the pretrial conference shall be waived if all parties to the case have signed a pretrial report setting forth an agreed upon trial date. Said pretrial report must be filed with the Trial Court Administrator by 3:00 p.m. on the last judicial day prior to the pretrial conference. The filing of said report constitutes a representation to the court by each signee that all witnesses have been contacted and subpoenaed if necessary and that the parties are ready for trial or that a plea will be entered on a date and at a time specified in said report. All trial dates and pleas must be scheduled for a date certain within six (6) weeks of the scheduled pretrial conference, unless approval of a judge has been received which extends the date of trial or plea. Attached hereto as Appendix B is a sample form for use as a pretrial report.

7.017 Alternative Methods of Jail Service

Defendants who are scheduled to jail terms may be allowed work release, home detention, or other alternative methods of jail service only upon proper completion and court authorization of appropriate application forms provided to the defendant by the court.

7.018 Motion Days

Evidentiary and non-evidentiary motions filed in criminal cases shall be heard on Tuesday, Wednesday or Thursday at 2:30 p.m.

7.019 Initial Appearance on Other Matters

The initial appearance on all other matters (i.e., FED's, Judgment Debtor Hearings, Gamishment

Hearings, Claims of Exemption) shall be at 1:15 p.m. on each judicial day.

7.021 Jury Trial Request After Trial Set

Except as set forth herein, when one party makes a proper written application for a jury trial after a non-jury trial has been set, the trial shall proceed to trial on the original date scheduled as provided in SLR 6.211. If said trial date is scheduled on Monday or Friday, the trial will then proceed as provided in SLR 6.211 on the First Tuesday following the original trial date.

7.022 Mental Hearings

All hearings required by the provisions of Chapter 426 and 427 of the Oregon Revised Statutes unless otherwise ordered by the court shall be held at 7:30 a.m. any day the court may fix.

7.023 Status Check Conference in Criminal Jury Trials

- (1) All attorneys and defendants in criminal jury cases must personally appear at a status check conference to advise the court as to the trial status of the case. The conference will be held at 10:30 a.m. Monday of the week during which the trial is set. If that Monday is a holiday, the following rules will apply; all cases set for Tuesday shall have their status check conference on Monday of the preceding week; all cases for Wednesday and Thursday shall have their status check conference on Tuesday at 10:30 a.m. of the week of trial.
- (2) If a case will be resolved by a plea, a Plea Notice may be filed and personal appearance will not be required. See Appendix D attached.

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

8.011 Mediation of Child Custody & 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. A notice from the mediation service must be filed with the court stating that the parties have cooperated and the mediation has been unsuccessful before a trial or hearing on the merits is to be held.

-
- (2) The parties may select, by stipulation, a private mediator. The parties shall directly contract with the private mediator and be responsible for payment of the mediator's fees. If independent mediation is selected, a written stipulation indicating the name of the mediator shall be filed with the court.

8.012 Dismissal of Divorce Cases

Divorce cases will not be continued as active cases beyond their trial dates where the parties have reconciled. If no motion to dismiss is filed, the court may, on its own motion, enter a judgment of dismissal.

8.013 Mandatory Parent Education Program

- (1) Jackson County has established a parent education program of the type authorized by ORS 3.425. The program provides information on the impact of family restructuring on children to each person named as a party in the following types of proceedings involving minor children:
 - (a) annulment or dissolution of marriage;
 - (b) legal separation;
 - (c) petition to establish custody or parenting time; and
 - (d) post-judgment litigation involving custody or parenting time.
- (2) Each party who files an appearance in a proceeding of the types described above shall complete the program unless exempted by the court. A final judgment shall not be entered in the proceeding until each party not otherwise exempted by the court who has filed an appearance has completed the program.
- (3) Both parents who have appeared shall complete the parent education program before the issuance of the final judgment or decree in the action. A statement of the requirements of this local rule and instructions on how to attend the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served.

- (4) The clerk shall provide a statement of the requirements of this rule to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program including contact telephone numbers and addresses.
- (5) The program provider shall issue a certificate of completion to the court when the participant has completed the program.
- (6) The court may exempt one or both parties from the program if, after reviewing the requesting party's motion and supporting affidavit(s), the court determines that the participation is unnecessary or inappropriate or the parties select and participate in comparable education programs with prior approval of the court.

- (7) The court shall actively promote each party's completion of the program. Failure or refusal to complete the program in a timely manner shall be considered by the court in making its ruling on issues which are in dispute.
- (8) A party who has completed the program shall have the right, as set forth in UTCR 1.090(2), to:
 - (a) request the pleadings of a party who has appeared be stricken if that party has not completed the program in a timely manner without good reason.
 - (b) request entry of an order from the court to compel the non-complying party's completion of the program should the non-complying party have appeared and not completed the program in a timely manner without good reason. The court may enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.
- (9) 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 has appeared in the proceeding.

8.071 Restraining Orders

- (1) If the respondent requests a court hearing pursuant to ORS 107.716, the clerk of the court shall notify the petitioner of the date and time of such hearing. The petitioner shall give the clerk of the court information sufficient to allow such notification. (ORS 107.718 (6)).
- (2) A request for hearing (ORS 107.716) or a motion supported by an affidavit alleging abuse shall be heard by the rotation judge at 9:00 a.m. on the first Monday following the expiration of seven (7) days from the filing of the request for hearing or the motion and affidavit alleging abuse.

CHAPTER 9 - PROBATE AND ADOPTION PROCEEDINGS

9.081 Probate and Protective Proceedings

- (1) In accordance with ORS 125.075(2), the court designates the probate counter as the place where oral objections shall be filed. The phone number is (541) 776-7171, ext. 130.
- (2) In accordance with ORS 125.475(3) and ORS 116.083(2)(d), in lieu of actual vouchers, a list of expenditures as reflected by the actual vouchers shall accompany all accountings.
- (3) When a petition seeks appointment of a guardian for an incapacitated person, a copy of the petition marked "visitor's copy" with supporting documentation attached, shall be provided to the clerk and the visitor's fee shall be tendered to the court.
 - (a) Upon receipt of the "visitor's copy" and the visitor's fees, the clerk shall prepare an Order Appointing Visitor. The visitor will not undertake the investigation until the fee has been paid or unless the fee has been waived by an order of the court.
 - (b) In accordance with ORS 125.155 (5), reasonable compensation for a visitor at any hearing on any objection of a fiduciary shall be \$25.00.

The compensation is to be paid by the objecting party prior to any hearing being set regarding the objection.

CHAPTER 12 - CIVIL MEDIATION

12.001 Child Custody Mediation

Jackson County Circuit Court has a mandatory child custody and parenting time mediation program. See SLR 8.011.

12.002 Matters Subject to Mediation

- (1) Jackson County Circuit Court has a mandatory Alternative Dispute Resolution (ADR) program pursuant to ORS 36.400 to 36.425, UTCR Chapter 13, and ORS 36.180 to 36.210. Litigants may satisfy this requirement by participating in court annexed mediation or arbitration.
- (2) All small claims cases in which a jury trial has been requested and in which a formal complaint has been filed shall be subject to the Alternative Dispute Resolution program rules.

12.003 Alternative Dispute Resolution Commission

In addition to its other duties, the Alternative Dispute Resolution Commission shall monitor the court mediation programs, advise the court regarding mediation services, review qualifications and training of mediators, and establish a compensation schedule for court mediators.

12.004 Mediation Panel Established

There shall be a panel of mediators comprised of mediators who satisfy qualifications and training standards prescribed in OAR Chapter 718, Division 40, and have been appointed by the presiding judge.

12.005 Appointment of Mediation Panel

- (1) To apply for inclusion on the Jackson County panel of mediators, a person must sign and file an application provided by the court.

- (2) The Alternative Dispute Resolution Commission shall review each application and make a recommendation to the presiding judge.
- (3) The decision as to whether an individual is qualified to be on the panel of mediators and the number of mediators which comprise the panel shall be made by the presiding judge.
- (4) The term of appointment to the mediation panel shall not exceed two years. The presiding judge may reappoint a mediator.

12.006 Removal from Mediation Panel

- (1) The Alternative Dispute Resolution Commission shall monitor the performance of mediators and report to the presiding judge as appropriate.
- (2) The presiding judge may remove a mediator from the court panel at the presiding judge's discretion.

12.007 Motions

- (1) If the first appearance of a defendant is not an answer but is a motion directed to the complaint or a dispositive motion, the motion shall be decided by the court before the case is assigned to mediation.
- (2) Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

12.008 Referral to Mediation

- (1) Upon appearance of the parties and determination of the case at issue, the clerk of the court will notify the parties of the SLR 12.002 and 13.021, requiring participation in an ADR program.

- (2) The case shall be assigned to mediation unless a request for arbitration is made by one of the parties.

12.009 Exemption from Mediation

The parties may request exemption from ADR requirements by filing an affidavit within 14 days of receipt of the notice of ADR Requirements, wherein the parties state they have attempted to settle all issues in dispute by participating in mediation prior to filing the case.

12.010 Assignment of Mediator and Scheduling

- (1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.008(2) to a mediator.
- (2) The mediator will assign the date, time, and meeting place of the initial mediation session and any additional sessions.
- (3) The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.
- (4) Providing a party objects to the court appointed mediator, the party may request reassignment of another mediator by filing an affidavit with the court setting forth good cause for the request.

12.011 Compensation of Mediators

- (1) Payment of the mediation fee is due within 14 calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.
- (2) If any party fails to pay the prescribed fee within 14 calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.

-
-
- (3) If arbitration is requested subsequently to the appointment of a mediator, but prior to any mediation occurring, the parties shall nevertheless be required to pay the mediator a fee of \$25.00 each.

12.012 Completing Mediation

Any case assigned to mediation must complete mediation within 90 days of assignment, unless otherwise ordered by the court.

- (1) In all cases assigned to mediation in which a settlement is reached, the parties shall report such settlement to the mediator and the mediator shall file a notice of such settlement with the court.
- (2) The results of mediation hearings shall be reported to the court as either "settled" or "not settled".
- (3) If a case is reported as "settled", the terms of the agreement, including a date of final compliance, shall be signed by the parties and filed by the mediator with the clerk of the court within 10 judicial days.
 - (a) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.
 - (b) Should the creditor fail to file a report of compliance or non-compliance within 30 days after the final date for compliance, or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.
 - (c) Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.
- (4) If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.013 Good Faith Mediation

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs, any party's costs necessarily incurred in mediation in any subsequent judgment.

CHAPTER 13 - CIVIL ARBITRATION

13.003 Alternative Dispute Resolution Commission

In addition to its other duties, the Alternative Dispute Resolution Commission shall monitor the court arbitration programs, advise the court regarding arbitration services, review qualifications of arbitrators, and establish a compensation schedule for court arbitrators.

13.005 Arbitration Program

Jackson County Circuit Court has a voluntary and mandatory arbitration program in conformity with ORS 36.400 to 36.425 and UTCR Chapter 13. Arbitration is required in all matters involving less than \$50,000.00.

13.021 Matters Subject to Arbitration

Jackson County Circuit Court has a mandatory Alternative Dispute Resolution (ADR) program pursuant to ORS 36.400 to 36.425, UTCR Chapter 13, and ORS 36.180 to 36.210. Litigants may satisfy this requirement by participating in either court annexed arbitration or mediation.

13.022 Referral to Arbitration

- (1) Upon appearance of the parties and determination the case is at issue, the clerk of the court will notify the parties of the SLR 12.002 and 13.021, requiring participation in an ADR program.
- (2) Unless one of the parties requests arbitration, the case shall be assigned to mediation pursuant to SLR 12.008.

- (3) Should any party request arbitration, the case shall be subject to this chapter of the Supplementary Local Rules.

13.023 Compensation of Arbitrators

- (1) Payment of the arbitration fee is due within 14 calendar days of notice of assignment of an arbitrator. Each party must pay the assigned arbitrator directly.
- (2) If the plaintiff fails to pay the prescribed fee within 14 calendar days of assignment, the court may exercise its authority under UTCR 1.090 to strike the complaint which constitutes dismissal of the proceedings, absent relief prescribed by ORS 36.420(3).
- (3) If the defendant fails to pay the prescribed fee within 14 calendar days of assignment, the court may exercise its authority under UTCR 1.090 to impose an appropriate sanction.

CHAPTER 16 - TRAFFIC VIOLATIONS

16.001 Demand for Reporting

To have a traffic hearing recorded, see SLR 6.001.

16.002 Traffic Violations - Confirmation of Intent to Appear

If defendant requests a trial for a traffic violation, that defendant must confirm in writing his or her intent to appear at the hearing at least fourteen (14) days prior to the scheduled hearing date. If the defendant fails to so confirm the trial, the matter shall be removed from the docket, and the state's representative shall be so notified. If defendant appears at time of trial, the matter will be rescheduled. The trial notice prepared by the court shall contain a notice advising the recipient of the contents of this rule.

APPENDIX OF FORMS

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

TO THE CIRCUIT COURT:

You are hereby notified that the above named defendant will be represented in the above entitled matter by attorney.

The defendant waives arraignment and the undersigned has advised the above named defendant of the following rights:

1. The right to remain silent;
2. The right to an attorney;
3. The right to a jury trial.

I have explained to the defendant what he/she is charged with and he/she understands same.

Demand is hereby made upon the Jackson County District Attorney's Office for disclosure of all information required under the discovery statutes ORS 135.805 to 135.873.

The undersigned will disclose to the Jackson County District Attorney's Office all information required under the discovery statutes ORS 135.805 to 135.873, at least ten (10) days prior to entry of plea.

It is requested that the defendant be released on his/her own recognizance. At least one week prior to the Pretrial date the defendant shall go to the Release Assistant Office to be interviewed for

purposes of participating in a release decision.

The defendant will appear in the above entitled court on Monday, _____, 20____, at the hour of 1:30 P.M. for entry of plea.

DATED: _____

ATTORNEY FOR DEFENDANT
BAR NO. _____

ORDER

Based upon the foregoing

IT IS HEREBY ORDERED that the Defendant appear on Monday, _____, 20____, at 1:30 P.M. for entry of plea.

IT IS FURTHER ORDERED that the District Attorney of Jackson County, Oregon, and the attorney for the Defendant, mutually disclose all information required under the discovery statutes ORS 135.805 to 135.873 at least ten (10) days prior to the date to which this case is continued by this order.

DATED: _____.

CIRCUIT JUDGE

I hereby certify that I served the foregoing Notice of Representation and Order on Arraignment on the Jackson County District Attorney's Office, located at 715 W. 10th Street, Medford, Oregon 97501, on the _____ day of _____, 20____, by mailing him a true copy thereof.

ATTORNEY FOR DEFENDANT

Appendix A

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

State of Oregon,)
)
 Plaintiff,) Case No. _____
)
 vs.) Pretrial REPORT
)
)
)
)
)
 Defendant.)
)

1. Pretrial DATE:

2. ATTORNEY:

3. DEPUTY DISTRICT ATTORNEY

4. DEFENDANT WILL CHANGE PLEA
TO GUILTY ON: , 20 , .M.

The plea time must have been arranged through the Criminal Clerk, and if that has been done, the rest of this report need not be executed.

5. DEFENDANT IS READY FOR TRIAL AND:

A. All necessary witnesses have been contacted and subpoenaed as necessary.
B. Has been in contact with attorney within 10 days prior to Pretrial:
Indicate type: () Letter () telephone () personal contact

6. Pretrial matter or motions to be resolved:

8. JURY: 6 person 12 person Waived

9. TRIAL DATE: _____ STATUS CHECK DATE _____
(Monday of Trial Week)

10. TRIAL TIME: day(s) LODGED Yes No

YOU ARE TO FILE A Pretrial REPORT ON OR BEFORE 3:00 PM ON THE
FRIDAY BEFORE THE Pretrial DATE OR APPEAR FOR Pretrial

Dated: _____

Defendant

Deputy District Attorney
Bar No. _____

Attorney for Defendant
Bar No. _____

Appendix B

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

)
)
Petitioner/Plaintiff,) CASE NO. _____
)
vs.) CIVIL EVIDENTIARY MOTION
) NOTICE OF HEARING
)
)
Respondent/Defendant.)
)

Reporting Requested: No Yes Estimated Length
(Reporting fees are due at the time your motion is filed. ORS 21.275 (4) and (5).)

TO THE CLERK OF THE COURT AND TO: _____

The undersigned has scheduled for hearing the following motion:

_____, a copy of which is attached. The
evidentiary hearing is scheduled at 9:00 a.m. on _____, in Courtroom No.
_____.
_____.

YOU SHOULD APPEAR AT THE TIME AND PLACE DESIGNATED.

Failure to appear, unless good cause is established, may result in relief being granted in accord with the
motion filed, if consistent with Oregon law.

Signed: _____ Dated: _____

Name: _____ Bar No. _____

Address: _____

City, State, Zip: _____

Appendix C

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

1. Trial Readiness Hearing Date (Status) _____
2. Trial Date _____
3. Attorney _____
4. Deputy District Attorney _____
5. Defendant will enter pleas of Guilty or No contest to the following charges or counts:

|||||

And the following charges or counts will be Dismissed.

Dated _____

Attorney Signature _____

* This form is not to be used for defendants who are in custody without prior judicial approval.

Appendix D