

Guide to
Oregon Court
Arbitration
Laws and Rules

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Please note that the information contained within this guide is intended to inform your own research regarding participation in court-mandated arbitration; it is not intended as legal advice.

Rules and statutes change frequently. You should always review the most recent versions of the rules and statutes contained in this guide.

Rules and statutes can be found at:

https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

<http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>

<http://www.ojd.state.or.us/Web/OJDPublications.nsf/SLR?OpenView&count=1000>

(The above links offer access to the most current versions of the Oregon Revised Statutes, the Uniform Trial Court Rules, and the Supplementary Local Rules; you will be required to locate the appropriate chapters or districts from the index provided in the links.)

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PREFACE

The Guide to Oregon Court Arbitration Laws and Rules (guide) provides general information about mandatory arbitration and becoming a court-appointed arbitrator.

The information in this guide is arranged by judicial districts. A judicial district typically comprises one county, but can include up to five counties. If you are unsure which judicial district applies to you, please check *Appendix A* for a map of counties and their corresponding judicial district. In addition to the map, a table of contact information is also available for each judicial district in *Appendix B*.

The guide's reference to Rules includes: Uniform Trial Court Rules governing arbitration for all judicial districts (*Appendix C*) and Supplementary Local Rules governing arbitration for each specific judicial district (*Appendix D*). In addition, Oregon Revised Statutes Chapter 36 addresses statutory requirements for mandatory arbitration. (*Appendix E*).

If you are considering arbitration for your case, or arbitration is pending for your case, please note that the Supplementary Local Rules for your district may contain different deadlines than those set out in this guide. Please check your district's Supplementary Local Rules or contact the Trial Court Administrator in your district for more specific information (*Appendix B*).

PLEASE NOTE: This guide is intended to serve as an informational resource only and is not intended as legal advice. It should not be used as a substitute for a thorough review of the Oregon Revised Statutes and Rules. In addition, the Oregon Revised Statutes and Rules are frequently amended and the most recent versions, available online, should be consulted before continuing.

If you are uncertain as to your rights and responsibilities during arbitration, please consult an attorney for legal advice.

This guide is not an Oregon Judicial Department publication. For arbitration information published online by the Oregon Judicial Department, please visit: <http://courts.oregon.gov/OJD/programs/adr/pages/whatisarbitration.aspx#who>

INTRODUCTION

Arbitration is a method of dispute resolution. It is similar to trial, but less formal. In addition, the arbitration process is typically faster and more flexible than a trial. Once arbitration begins, each side presents evidence to the arbitrator and the arbitrator decides the outcome. Essentially, an arbitrator does the job that a judge or jury would do.

MANDATORY ARBITRATION

A case will go to arbitration if state law requires it. Typically, all civil cases filed in an Oregon state court that involve \$50,000 or less in damages¹ -- not including attorney fees, costs, or interest -- must go to mandatory arbitration. ORS 36.400(3); ORS 36.405(1)(a).² Civil claims brought in the small claims department are exempt from mandatory arbitration. ORS 36.400(4). In addition, state law requires mandatory arbitration in domestic relations cases where the parties only disagree about what to do with their property. ORS 36.405(1)(b). Criminal cases do not go to arbitration.

VOLUNTARY ARBITRATION

A case will go to arbitration if the parties voluntarily decide to arbitrate. For example, the parties may have a pre-existing contract that requires them to arbitrate disputes. Or, the parties may prefer arbitration because it can be less expensive and less formal, often not requiring a lawyer. This guide does not address voluntary arbitration.

MANDATORY ARBITRATION: THE PROCESS

The cost of mandatory arbitration varies by judicial district and is set by an arbitration commission in each district. UTCR 13.120(1); *see* UTCR 13.030. Many Supplemental Local Rules limit the total number of hours an arbitrator may bill for his or her services. The parties typically share the cost of the arbitration fee. UTCR 13.120(2). The party who loses the arbitration is sometimes required to repay the other party for its share of the arbitration fee. UTCR 13.120(5). If a party cannot afford the cost of an arbitrator, a judge may waive that party's portion of the fee. ORS 36.420(3); UTCR 13.120(3). The judge may also defer a party's fee until the case has been decided; however, a losing party with a deferred fee may still owe the total arbitration fee. ORS 36.420(3); UTCR 13.120(3)-(4).

¹ Cases subject to mandatory arbitration due to a claim for relief of \$50,000 or less in damages cannot also include a request for non-monetary relief. ORS 36.405(1)(a). Cases involving claims for non-monetary relief are not subject to mandatory arbitration under ORS 36.405. ORS 36.405(1)(a).

² All references to the Uniform Trial Court Rules (UTCR) are to 2014; all references to the Oregon Revised Statutes (ORS) are to 2013.

The parties may choose their arbitrator. UTCR 13.080(1). Each court has a list of individuals qualified to arbitrate in the district. To serve as an arbitrator, an attorney must meet certain minimum requirements: he or she must be an attorney in good standing with the Oregon State Bar and must be admitted to a bar for at least five years. UTCR 13.090(1)-(2). Districts may also require additional qualifications for an arbitrator. *See* UTCR 13.080(2). In addition to attorneys, the court list may include retired or senior judges. UTCR 13.090(1). If the parties agree, they may choose an attorney not on the court's list, or they may choose an arbitrator who is not an attorney. UTCR 13.080(1); 13.090(1). Parties have 21 days from the time the case is assigned to arbitration to choose their arbitrator. UTCR 13.080(3). Your district may modify that time period, please check the Supplemental Local Rules for your district to confirm. If the parties cannot agree on an arbitrator, the court may choose someone for the parties. *See* UTCR 13.080(2)

Once selected, the arbitrator has authority over the case and will usually hold the arbitration hearing within seven weeks. UTCR 13.100; 13.160(3). Supplemental Local Rules may serve to extend that period; consult the Supplemental Local Rules in your district to determine the appropriate time period for your arbitration proceedings. UTCR 13.160(2). Hearings are typically not recorded, but any party or the arbitrator may record them. UTCR 13.180(3). If a party wants to formally record the arbitration, that party must bear the cost. *Id.*

Unless a Local Supplemental Rule applies to modify this time period, at least 14 days before the hearing, each party must give the arbitrator and the opposing party a list of witnesses who will testify at the arbitration hearing; the party must also provide the contact information for each witness and a statement indicating what the witness will discuss. UTCR 13.170(1)(b). In addition, each party must provide a description of any evidence the party intends to present, along with contact information for the author(s) of the evidence. UTCR 13.170(1)(a). Upon request of the other party, all evidence must be made available for copying or inspection. *Id.* The parties must also provide to the arbitrator any relevant pleadings and a statement as to the estimated hearing length. UTCR 13.070(1)(c), (3). Evidence or witness information not properly exchanged prior to the hearing may be excluded. UTCR 13.170(2).

The arbitrator typically issues an award to the parties within seven days after the conclusion of the hearing. UTCR 13.210(5). Generally, the arbitrator files the award with the court within 14 to 21 days after the conclusion of the hearing. ORS 36.425(1); UTCR 13.220(1). The award will include a determination of the issue of attorney fees and costs, if applicable. UTCR 13.210(4)(e); *see* ORS 36.425(1). The Supplemental Local Rules for your district may amend those periods; please refer to your district's Supplemental Local Rules to determine how long the arbitrator may have to issue and file an award.

Within seven days of the filing of the arbitrator's award, the parties may file with the court written exceptions objecting to the arbitrator's award of attorney fees. ORS 36.425(6). To

respond to the exceptions, a party may file a written response with the court within seven days. *Id.* Written exceptions and any subsequent responses are different from the filing of an appeal on the merits of the issues and are directed only to the issue of attorney fees and costs. *Id.*

If a party is dissatisfied with the arbitrator's decision, or award, on the merits of the issues, the party may appeal it to the circuit court. ORS 36.425(2); UTCR 13.250(1). An appeal must be filed within 20 days after the arbitrator's award is filed with the court. ORS 36.425(2)(a). Parties who wish to appeal an arbitrator's award must pay to the court a \$150 deposit as well as a trial fee.³ ORS 36.425(2)(b)-(c). Once the award is appealed, the case will go to court for a judge or jury to decide the dispute. ORS 36.425(2)(a). The judge or jury will not know what the arbitrator decided.

For more information, contact the Trial Court Administrator in your district (*Appendix B*).

³ The Oregon Legislature may modify fees between publications of this handbook. Interested persons should visit the Oregon State Legislature's website (<http://www.leg.state.or.us/>) to confirm the current amount for fees.

GENERAL QUESTIONS AND ANSWERS

WHEN IS ARBITRATION MANDATORY? WHAT IS THE DIFFERENCE BETWEEN MANDATORY AND VOLUNTARY ARBITRATION?

Mandatory arbitration occurs when a claim before a court must first go to an arbitrator before going to trial. ORS 36.405(1). Oregon courts mandate arbitration in two situations: a civil lawsuit where claimed damages involve only money and do not exceed \$50,000, or a divorce proceeding seeking to resolve only the division of property. *Id.*; UTCR 13.010(1). All of these cases will be assigned to arbitration, unless one of the parties files a notice showing that a case is not subject to mandatory arbitration or so states in the title of its pleading. ORS 36.405(1); *see* UTCR 13.060(1). In addition, the presiding judge may exempt a case from mandatory arbitration, or remove from arbitration a previously assigned case, if the judge determines that good cause exists to do so. ORS 36.405(2); UTCR 13.060(1).

Voluntary arbitration occurs when both parties agree to have an arbitrator decide a case for them instead of going to trial. This typically occurs in a contractual agreement, which will sometimes list an agreed-upon arbitrator and give that arbitrator the power to make a decision regarding disagreements between the parties. Unlike mandatory arbitration, the parties agree on the rules that will be followed during the arbitration. This guide does not address voluntary arbitration.

See ORS 36.405(1)-(2); UTCR 13.010(1) and 13.060(1).

HOW MUCH DOES ARBITRATION COST?

An arbitrator's fee depends on local judicial district rules. UTCR 13.120(1). The preliminary payment of the arbitrator's fee must be made within 14 days of the arbitrator's appointment unless the Supplemental Local Rules for your district state otherwise. UTCR 13.120(2). Any overpayment will be refunded to the parties upon completion of the arbitration proceedings. *Id.* If a party cannot afford to pay, the state may pay their fee for them if the court determines that the fee should be waived or deferred. ORS 36.420(3); UTCR 13.120(3). Forms to request a fee waiver or deferral can be obtained from your district, however, such a request must be made immediately once a case is assigned to arbitration. UTCR 13.120(3). Check the Supplemental Local Rules for your district to determine what, if any, actions may be taken against a party that fails to pay the arbitration fee. *See* ORS 36.400(4); UTCR 13.120(6).

See ORS 36.400 (4); ORS 36.420(3); UTCR 13.120(1)-(3).

HOW CAN I REQUEST AN EXEMPTION FROM MANDATORY ARBITRATION ONCE ASSIGNED?

If a party wishes to be exempt from arbitration, that party must make a motion to the presiding judge within 14 days of notification that the claim has been assigned to arbitration.

UTCR 13.070. The requesting party must also serve a copy of the motion on the other party. *Id.* Copies of a form of this motion can be obtained from your district.

See UTCR 13.070.

HOW IS AN ARBITRATOR CHOSEN?

Within 21 days of a dispute being assigned to arbitration, an arbitrator will be selected. UTCR 13.080(3). The Supplemental Local Rules for your district may amend these periods; please refer to your district's Supplemental Local Rules. The arbitrator can be a person agreed to by the parties, or one chosen from a list provided by the trial court administrator, depending on your local rules. UTCR 13.080(1)-(2).

See UTCR 13.080.

WHEN WILL AN ARBITRATOR HEAR A CASE?

The arbitrator will decide a time and place for a hearing that is no less than 14 days and not more than 49 days after assignment. UTCR 13.160(1), (3). Each judicial district, through its Supplementary Local Rules, may alter the timeframe in which a hearing takes place. UTCR 13.160(2). Please check your district's Supplemental Local Rules to verify the permitted timeframe. The arbitrator may agree to a postponement or continuance of the hearing date, if the rescheduled hearing falls within the initial period permitted by the Rules. UTCR 13.160(3). If the rescheduled hearing is after the initial period permitted by the Rules, it must be approved by the presiding judge. *Id.*

Generally, two months are allocated to the entire arbitration process, and an arbitrator is required to keep within this time period. UTCR 13.160(4). However, Supplemental Local Rules may permit the arbitration process to extend up to six months. UTCR 13.160(2).

See UTCR 13.160.

WHAT POWER DOES AN ARBITRATOR HAVE?

The Rules give an arbitrator a great deal of discretion, and the arbitrator is encouraged to exercise it freely. UTCR 13.010(2). Arbitration is supervised by the local court's arbitration commission, which is made up of judges, attorneys, and the court administrator. UTCR 13.030. Once assigned to arbitration, the Oregon Rules of Civil Procedure (ORCP) no longer apply to the case while in arbitration unless the Rules state otherwise. UTCR 13.040(2).

Once an arbitrator is selected, if there are no disputes over the assignment, the arbitrator has the power to do many things, including:

- Deciding procedural issues;
- Inviting parties to submit briefs;
- Examining any relevant site or object;

- Issuing subpoenas;
 - Swearing in witnesses;
 - Deciding whether evidence is admissible;
 - Determining the facts, applying the law, and making an award;
 - Determining the place, time, and procedure to present motions;
 - Requiring a party to pay reasonable expenses (including attorney fees) resulting from noncompliance with an arbitrator's order; and
 - Awarding attorney fees.
- UTCR 13.100.

In carrying out these duties, the arbitrator takes an oath stating that he or she will faithfully and fairly hear and examine the matter and make an award accordingly. UTCR 13.110.

Throughout the arbitration process, the court retains jurisdiction over the case. UTCR 13.040(1). Like a decision on the merits of the issue, an arbitrator's rulings on pretrial motions will apply only during arbitration; if a party requests a trial *de novo* at the close of the arbitration proceedings, those issues may be raised anew. UTCR 13.040(3). However, in limited situations, a party may file a pretrial motion with the court if the arbitrator's determination on the motion will prejudice the party on a subsequent trial *de novo*. *Id.*

See UTCR 13.010(2), 13.030, 13.040, 13.100, and 13.110.

WHAT CAN I TELL AN ARBITRATOR?

Parties may discuss offers or settlements with each other at any time during the arbitration. However, unless the parties agree otherwise, offers or settlements cannot be discussed with the arbitrator before the arbitrator has announced his or her decision. UTCR 13.130. Parties are *never* permitted to talk about the merits of the case with the arbitrator without the other parties present, or without giving reasonable notice to the other parties of an intent to communicate with the arbitrator. *Id.* Arbitrators are held to the same standards as judges; they must avoid conflicts of interest. *Id.* A party's relationship to the arbitrator must be strictly professional.

See UTCR 13.130.

WHAT HAPPENS DURING A HEARING?

A hearing is designed to be fast and informal, and the arbitrator is responsible for keeping it that way. UTCR 13.180(1). Most hearings will be held in a conference room or other informal setting.

At least five days before the hearing, the arbitrator will notify the court of the scheduled time and place. ORS 36.420(1). The court will publically posted the hearing information. *Id.* Interested parties are permitted to attend the hearing and records may be obtained by the public just as they would be with a formal trial. ORS 36.420(2).

During the hearing, witnesses are questioned and evidence is presented. UTCR 13.180(2). The arbitrator ensures that all presentations and testimony are efficient and effective in determining the facts of the case. UTCR 13.180(1). The arbitrator protects witnesses from harassment or unnecessary embarrassment. *Id.* The arbitrator may also question witnesses. UTCR 13.180(2). All witnesses are placed under oath and may be found in contempt for violating that oath. *Id.* Unlike a formal trial, the rules of evidence are followed to the extent that the arbitrator determines applicable. UTCR 13.180(2).

A party may record the hearing, but must pay for any expense incurred in doing so. UTCR 13.180(3). The expense of recording a hearing cannot be later recovered as part of an award of costs and disbursements. *Id.*

See ORS 36.420(1)-(2); UTCR 13.180.

WHAT SHOULD BE DONE BEFORE A HEARING?

At least 14 days before a hearing, unless otherwise noted in the Supplemental Local Rules, the parties must submit: 1) a list of exhibits they intend to use, including a description of the document and the contact information for its author; 2) a list of witnesses to be called, along with a statement of the witness' area of testimony and the contact information for each witness; 3) an estimate of the length of the hearing; and 4) any relevant court documents and pleadings. UTCR 13.170(1), (3). At least 14 days prior to hearing, a copy of these submissions must also be served on the opposing party. UTCR 13.170(1). If a party requests access to listed exhibits, the opposing party must make them available for review and copying. *Id.*

Any witness or exhibit not disclosed at least 14 days before the hearing cannot be used during the hearing without the permission of the arbitrator. UTRC 13.170(2).

See UTCR 13.170.

WHAT DOCUMENTS CAN I USE AS EVIDENCE?

Relevant documents are admissible if they are included in the prehearing list of exhibits along with the name, address, and telephone number of the author; however, all other documents by the same author must be made available to the other parties upon request. UTCR 13.190(1). In addition, any party may subpoena, and require to testify at arbitration, the author of an admissible document. UTCR 13.190(3). An admissible document may be a:

- Bill, report, chart or record of a health care provider or facility on a letterhead or printed bill;

- Bill for drugs, medical appliances or related expenses on a letterhead or printed bill;
- Bill or estimate of property damage on a letterhead or printed bill. In the case of an estimate, include a statement noting whether, and to what extent, the property was repaired, and attach copies of receipts demonstrating amounts paid and items repaired;
- Police report;
- Weather report;
- Wage loss report;
- Traffic signal report;
- Standard life expectancy table;
- Photograph, x-ray, drawing, map, blueprint, or any other similar evidence;
- A written statement by a witness that is made by affidavit or declaration under penalty of perjury. The written statement may express the opinion to which the witness would testify at the hearing. If the witness is an expert, the statement may serve as his or her report and may also include the expert's qualifications; or
- Any other document that is trustworthy and serves the interests of justice. UTCR 13.190(2).

See UTCR 13.190.

HOW DO DISCOVERY AND SUBPOENAS WORK IN ARBITRATION?

Discovery, the process of acquiring information from the opposing party, works the same in arbitration as it does in a court. *See* UTCR 13.140. The arbitrator plays the role of the judge in deciding discovery motions. *Id.* Unlike most of the arbitration process, discovery is still subject to the Oregon Rules of Civil Procedure. *Id.* The Oregon Rules of Civil Procedure sections 36 through 46 discuss, both generally and specifically, how to engage in the discovery process. ORCP 36-46.

If a witness or a document is needed for the arbitration hearing, a subpoena may be issued by a lawyer or the arbitrator following the Oregon Rules of Civil Procedure. UTCR 13.150.

See UTCR 13.140 and 13.150; ORCP 36-46.

WHAT IF A PARTY MISSES A HEARING?

If a party misses the hearing, the arbitrator may proceed and make an award without the absent party. UTCR 13.200(1). If the absent party is the defendant, the plaintiff is still required to present sufficient evidence to support an award. UTCR 13.200(2). If there is more than one defendant, an arbitrator may include in his or her award an amount of damages to be paid by the absent defendant. UTCR 13.200(3). If the absent party sufficiently demonstrates good cause for

its failure to appear at the hearing, the arbitrator may allow the party to present its case at a later date before the arbitrator makes his or her award. UTCR 13.200(4).

See UTCR 13.200.

WHAT IS AN AWARD?

An award embodies the decision an arbitrator makes after considering the evidence. ORS 36.425(1); UTCR 13.210. The award must resolve all issues contained within the pleadings, which may include costs, damages, and attorney fees. UTCR 13.210(2). Although not required, the award may include findings of fact, conclusions of law, or a written opinion. UTCR 13.210(3). The arbitration award must be in writing on a court approved form. UTCR 13.210(1). It must include: the date of the hearing, who won, what was won, whether a party's failure to attend the hearing resulted in the other party winning, the name and address of the arbitrator, the costs and attorney fees if any were awarded, and any interest due on the money awarded. ORS 36.425(1); UTCR 13.210 (4).

Unless Supplemental Local Rules state otherwise, the arbitrator must send the award to the parties within seven days of the hearing, and must establish procedures to resolve any disputes involving attorney fees and costs. UTCR 13.210(5).

For arbitrations concerning divorce proceedings, the arbitrator must also select a party to prepare a form of judgment; if a party so requests, an opportunity for a hearing on the judgment must be provided. UTCR 13.210(6). The approved judgment will be filed with the court along with the award. *Id.*

See ORS 36.425(1); UTCR 13.210.

WHEN IS AN AWARD FILED?

Unless changed by Supplemental Local Rules, the arbitrator will submit his or her award to the court within 21 days of the hearing for dissolution cases, or within 14 days of the hearing for all other cases. ORS 36.425(1); UTCR 13.220(1). The arbitrator must also file proof of service of the award on all parties. *Id.* The arbitrator may request more time to make an award. UTCR 13.220(2). That decision is subject to the presiding judge's review. *Id.* If an extension is granted, the arbitrator will notify the parties. *Id.*

During the period of time permitted to file an award, the arbitrator can make changes to the award resulting from an obvious error if he or she serves a copy of the amended award on the parties and the court. UTCR 13.220(3). Once the period to file the award has expired, the arbitrator must obtain permission of the court in order to change the order. *Id.* In addition, Supplemental Local Rules may permit the arbitrator to later file a supplemental award to address attorney fees. After filing the award, all exhibits submitted will be returned to the parties.

UTCRC 13.220(4). The parties must keep all exhibits until a final judgment is entered by the court. *Id.*

See UTCRC 13.220.

CAN I APPEAL AN AWARD?

A party may file with the court written exceptions objecting to the award or denial of attorney fees or costs, if done no later than seven days after the filing of the award.

ORS 36.425(6). Those exceptions must also be served on all other parties. *Id.* Any other party may file a written response opposing the exceptions to the arbitrator's determination of attorney fees or costs. *Id.* That response must be served on the party that filed the exceptions. *Id.* Both filing and service must occur no later than seven days after the service of the exceptions. *Id.*

The court shall issue a decision on the award or denial of attorney fees or costs within 20 days; if the judge fails to do so, the arbitrator's decision will be upheld. *Id.* However, filing written exceptions is not the same thing as filing an appeal of the arbitrator's award. *Id.* Written exceptions to the award or denial of attorney fees and costs do not affect any other portion of the arbitrator's award. *Id.*

For all other issues, if a party loses, or a party does not win as much as they asked for, that party may appeal to the court within 20 days of the filing of the arbitration award. ORS 36.425(2)(a). An appealing party will request a trial *de novo*, in which the evidence and testimony will be presented again and considered anew. *Id.*; UTCRC 13.250(1). To appeal the award, the party must: 1) file a written notice and request for trial *de novo* within 20 days of the filing of the arbitration award; 2) serve a copy of the notice and request for trial *de novo* on all other parties to the arbitration proceeding; 3) file proof of service with the court; 4) pay any applicable trial or jury trial fees; and 5) pay a deposit of \$150. ORS 36.425(2)(a)-(c); UTCRC 13.250(2)(a). Failure to complete any of these steps may result in the dismissal of the appeal. If the appeal is dismissed, or if neither party wishes to appeal, the court will enter a judgment finalizing the arbitration award; that judgment cannot be appealed. ORS 36.425(3); UTCRC 13.240. An appeal will include all claims raised by any party in the case, including counterclaims made by the defendant. UTCRC 13.250(2)(d).

The trial will be in a courtroom before a judge or a jury. ORS 36.425(2)(a). Neither the judge, nor the jury, will know of the arbitration award until after the trial is finished and a decision is reached. UTCRC 13.260. Be aware that parties who appeal an award but do not achieve a better award following trial *de novo* will lose their deposit, will lose any award for attorney fees or costs and disbursements incurred from the arbitration proceeding, and will become liable for some or all of the other parties' attorney fees, costs, and disbursements from the appeal. ORS 36.425(4).

If an appeal and request for trial *de novo* is withdrawn, the appealing party must get the permission of the court or the agreement of all other parties. UTCR 13.250(2)(c). The court may also require the party withdrawing his or her appeal and request for trial *de novo* to pay statutory costs. UTCR 13.250(2)(e).

See ORS 36.425(2)-(4), (6); UTCR 13.240-13.260.

WHAT ARE THE RULES THAT GOVERN ARBITRATION?

Mandatory arbitration cases follow ORS 36.400 through 36.425 and UTCR chapter 13. The UTCR are less formal than the ORCP. Until a case is assigned by the court to an arbitrator or the parties choose an arbitrator, the ORCP must be followed and the court will decide all issues. UTCR 13.040(1)-(2). Once assigned to arbitration, there are still circumstances where the ORCP will apply, such as discovery, but only when specifically noted in the relevant UTCR or ORS sections. UTCR 13.040(2). The arbitrator takes on all responsibilities of the court, he or she will decide the parties' motions and any other pretrial actions under the UTCR. UTCR 13.040(3). An arbitrator's decisions are only applicable during the arbitration. *Id.* If a trial *de novo* is requested, all motions and pretrial actions will be litigated again before the court. *Id.*

See UTCR 13.040

HOW DO I CHOOSE THE RIGHT ARBITRATOR?

When choosing an arbitrator, you should first review a candidate's background and experience. Some districts require arbitrators to have significant experience in the area of law at issue, while others do not. Even if your district does not require it, consider selecting with experience in mind; an arbitrator with significant experience in the area of law will have a foundational understanding of the issues typical to your dispute.

To discover prior experience, there are a variety of tools at your disposal online. Start with a simple web search of an arbitrator or his or her firm. Reputation (consider speaking with attorneys in the area), prior history, published articles, online blogs, and other such results may give insight into how an arbitrator understands his or her role in the process. It may also give you a better sense of the level of expertise involved.

The trial court administrator can provide you with a list of the available eligible arbitrators for your district. The administrator will also be able to tell you what, if any, additional requirements your district imposes on arbitrators. You can access information on your trial court administrator in *Appendix B* or online:

<http://courts.oregon.gov/OJD/programs/adr/pages/findarbitrator.aspx>.

HOW TO BECOME AN ARBITRATOR

GENERAL INSTRUCTIONS

There is no uniform application to become an arbitrator in the State of Oregon. Below is a summary of the requirements to become an arbitrator in each judicial district. Although there is no uniform application for the State of Oregon, there are minimum requirements set out in UTCR 13.090. An attorney who wishes to become a court approved arbitrator must be an active member in good standing with the Oregon State Bar. UTCR 13.090(1). The attorney must also be admitted to any Bar at least five years prior to application. *Id.* A retired or senior judge may also be a court approved arbitrator. *Id.*

Local Supplementary Rules for your judicial district may include additional requirements; refer to your Supplementary Local Rules for an application or for specific requirements to become a court approved arbitrator. The Supplementary Local Rules can be found in *Appendix D*. In the event that the Supplementary Local Rules do not provide specific instructions, contact the Trial Court Administrator in your judicial district. A table providing contact information for each judicial district can be found in *Appendix B*.

At the time of appointment, arbitrators will be required to execute in writing the following oath, found in UTCR 13.110:

“I solemnly affirm that I will faithfully and fairly hear and examine the matters in controversy and that I will make a just award to the best of my understanding.”

Arbitrators are held to the same standards as judges and are expected to follow the Oregon Code of Judicial Conduct. UTCR 13.090(3).

SPECIFIC INSTRUCTIONS

JUDICIAL DISTRICT 01

There are no additional requirements for District 01. Applicants should contact the trial court administrator in District 01 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 01's Supplementary Local Rules

JUDICIAL DISTRICT 02

There are no additional requirements for District 02. Applicants should contact the trial court administrator in District 02 for instructions. Contact information available in *Appendix B*.

For general information, please visit:

<http://courts.oregon.gov/Lane/Mediation/MediationPage.page>

See *Appendix D* for District 02's Supplementary Local Rules

JUDICIAL DISTRICT 03

In addition to meeting the requirements in UTCR 13.090, Supplementary Local Rule 13.045 for District 03 requires an applicant to participate in at least ten trials or arbitrations, or demonstrate comparable professional experience, in the area of law the applicant intends to arbitrate. SLR 13.045(1)(a)-(b). The applicant must also submit three letters of recommendation and receive approval from the Presiding Judge. SLR 13.045(1)(c)-(d).

If you have further questions, please contact the trial court administrator for District 03. Contact information available in *Appendix B*.

For the arbitrator application information, please visit:

<http://courts.oregon.gov/Marion/Services/pages/mediatorarbitratorevaluatorapp.aspx#arbitration>

For the arbitrator application form please visit:

<http://courts.oregon.gov/Marion/docs/services/arbitratorapplication.pdf>

For general information, please visit:

<http://courts.oregon.gov/Marion/Services/pages/arbitration.aspx>

See *Appendix D* for District 03's Supplementary Local Rules

JUDICIAL DISTRICT 04

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.055 for District 04 requires an applicant to submit a signed application. SLR 13.055(1). At the time of appointment, the applicant must be an active member of the Oregon State Bar, or a

retired or senior judge. *Id.* Non-attorney arbitrators may be selected for a particular case if the parties so stipulate. *Id.*

An applicant interested in serving on a panel of arbitrators must submit a letter, which must include his or her name, street and email addresses, phone and fax numbers, the date admitted to the Bar, and any preference to abstain from arbitrating certain types of cases. SLR 13.055(2).

If you have further questions, please contact the trial court administrator for District 04. Contact information available in *Appendix B*.

For the arbitrator application form please visit:

http://courts.oregon.gov/Multnomah/docs/CivilCourt/CourtMandatoryArbitrationForms_30_19_Link2.pdf

For all forms relating to arbitration please visit:

http://courts.oregon.gov/Multnomah/Materials_and_Resources/Forms/Pages/Forms.aspx

See *Appendix D* for District 04's Supplementary Local Rules

JUDICIAL DISTRICT 05

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.091 for District 05 requires applicants to sign and file an application to be placed on the list of arbitrators. SLR 13.091(1).

If you have further questions, please contact the trial court administrator for District 05. Contact information available in *Appendix B*.

For the arbitrator application form please visit:

http://courts.oregon.gov/Clackamas/docs/Arbitration/Application_to_Serve_as_Arbitrator_in_Court_Mandatory_Arbitration_Program.pdf

For all forms relating to arbitration please visit:

<http://courts.oregon.gov/Clackamas/Pages/Forms.aspx>

See *Appendix D* for District 05's Supplementary Local Rules

JUDICIAL DISTRICT 06

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.055 for District 06 requires an applicant interested in serving on a panel of arbitrators to submit a letter, which must include his or her name, mailing address, phone number, the date

admitted to the Bar, and any preference to abstain from arbitrating certain types of cases. SLR 13.055(1).

If you have further questions, please contact the trial court administrator for District 06. Contact information available in *Appendix B*.

See *Appendix C* for District 06's Supplementary Local Rules

JUDICIAL DISTRICT 07

Arbitration is subsumed under the Alternative Dispute Resolution standards for District 07. An applicant interested in serving on the Alternative Dispute Resolution panel must submit a signed application. SLR 12.037(1).

If you have specific arbitration questions, please contact the trial court administrator for District 07. Contact information available in *Appendix B*.

See *Appendix D* for District 07's Supplementary Local Rules

JUDICIAL DISTRICT 08

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.091 for District 08 requires an applicant interested in serving on a panel of arbitrators to submit a letter, which must include his or her name, mailing address, phone number, the date admitted to the Bar, and any preference to abstain from arbitrating certain types of cases. SLR 13.091(1).

If you have further questions, please contact the trial court administrator for District 08. Contact information available in *Appendix B*.

For general information, visit <http://courts.oregon.gov/Baker/services/pages/arbitration.aspx>

See *Appendix D* for District 08's Supplementary Local Rules

JUDICIAL DISTRICT 09

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.055 for District 09 requires an applicant interested in serving on a panel of arbitrators to submit a letter, which must include his or her name, mailing address, phone number, the date admitted to the Bar, and any preference to abstain from arbitrating certain types of cases. SLR 13.055(1).

If you have further questions, please contact the trial court administrator for District 09. Contact information available in *Appendix B*.

For general information, please visit <http://courts.oregon.gov/Malheur/pages/arbitration.aspx>

See *Appendix D* for District 09's Supplementary Local Rules

JUDICIAL DISTRICT 10

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.055 for District 10 requires an applicant to submit a signed application. SLR 13.055(1). At the time of appointment, the applicant must be an active member of the Oregon State Bar, or a retired or senior judge. *Id.* Non-attorney arbitrators may be selected for a particular case if the parties so stipulate. *Id.*

An applicant interested in serving on a panel of arbitrators must submit a letter, which must include his or her name, mailing address, phone number, the date admitted to the Bar, and any preference to abstain from arbitrating certain types of cases. SLR 13.055(2).

If you have further questions, please contact the trial court administrator for District 10. Contact information available in *Appendix B*.

See *Appendix D* for District 10's Supplementary Local Rules

JUDICIAL DISTRICT 11

There are no additional requirements for District 11. Applicants should contact the trial court administrator in District 11 for instructions. Contact information available in *Appendix B*.

For general information, please visit:

<http://courts.oregon.gov/Deschutes/services/civilpages/pages/arbitration.aspx>

See *Appendix D* for District 11's Supplementary Local Rules

JUDICIAL DISTRICT 12

There are no additional requirements for District 12. Applicants should contact the trial court administrator in District 12 for instructions. Contact information available in *Appendix B*.

For general information, please visit: <http://courts.oregon.gov/Polk/pages/arbitration.aspx>

See *Appendix D* for District 12's Supplementary Local Rules

JUDICIAL DISTRICT 13

There are no additional requirements for District 13. Applicants should contact the trial court administrator in District 13 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 13's Supplementary Local Rules

JUDICIAL DISTRICT 14

There are no additional requirements for District 14. Applicants should contact the trial court administrator in District 14 for instructions. Contact information available in *Appendix B*.

For general information, please visit:

<http://courts.oregon.gov/Josephine/Services/Civil/pages/arbitraton.aspx>

See *Appendix D* for District 14's Supplementary Local Rules

JUDICIAL DISTRICT 15

There are no additional requirements for District 15. Applicants should contact the trial court administrator in District 15 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 15's Supplementary Local Rules

JUDICIAL DISTRICT 16

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.095 for District 16 requires an applicant to submit a signed application approved by the Arbitration and Mediation Commission. SLR 13.095; SLR 12.145(1).

Applicants should contact the trial court administrator in District 16 for specific instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 16's Supplementary Local Rules

JUDICIAL DISTRICT 17

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.095 for District 17 requires an applicant to submit a signed application; an applicant may be an individual seeking to arbitrate a particular case or to serve on an arbitration panel. SLR 13.095(1). An applicant for an arbitration panel must also complete an information sheet on a form approved by the court. SLR 13.095(2). The form must be completed prior to the applicant being placed on the panel. *Id.*

Applicants should contact the trial court administrator in District 17 for specific instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 17's Supplementary Local Rules

JUDICIAL DISTRICT 18

There are no additional requirements for District 18. Applicants should contact the trial court administrator in District 18 for instructions. Contact information available in *Appendix B*.

For instructions and forms relating to arbitration, please visit:
<http://courts.oregon.gov/Clatsop/docs/ArbitrationPacket-Civil.pdf>

See *Appendix D* for District 18's Supplementary Local Rules

JUDICIAL DISTRICT 19

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.091 for District 19 requires an applicant to submit an information sheet on a form approved by the court. SLR 13.091(4).

At the time of appointment, the applicant must be (a) an attorney with (i) at least five years of continuous practice in Oregon and (ii) significant experience in, and a current emphasis on, civil litigation; or (b) a retired or senior judge. SLR 13.091(1). Non-attorney arbitrators may be selected for a particular case if the parties so stipulate. SLR 13.091(2).

Applicants should contact the trial court administrator in District 19 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 19's Supplementary Local Rules

JUDICIAL DISTRICT 20

There are no additional requirements for District 20. Applicants should contact the trial court administrator in District 20 for instructions. Contact information available in *Appendix B*.

For general information, please visit:
<http://courts.oregon.gov/Washington/Services/Civil/Pages/Court%20Arbitration.aspx>

See *Appendix D* for District 20's Supplementary Local Rules

JUDICIAL DISTRICT 21

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.095 for District 21 requires an applicant to submit an information sheet on a form approved by the court. SLR 13.095(5).

At the time of appointment, the applicant must be (a) an attorney practicing in Linn or Benton Counties with (i) at least five years of continuous practice and (ii) significant experience in, and a current emphasis on, civil litigation; or (b) a retired, senior, or pro tem judge. SLR 13.091(1). Non-attorney arbitrators or arbitrators located outside Linn and Benton Counties may be selected for a particular case if the parties so stipulate. SLR 13.091(2).

Applicants should contact the trial court administrator in District 21 for instructions. Contact information available in *Appendix B*.

For general information, please visit:

<http://courts.oregon.gov/Benton/pages/altdisputeresolution.aspx>

See *Appendix D* for District 21's Supplementary Local Rules

JUDICIAL DISTRICT 22

There are no additional requirements for District 22. Applicants should contact the trial court administrator in District 22 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 22's Supplementary Local Rules

JUDICIAL DISTRICT 23

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local Rule 13.095 for District 23 requires an applicant to submit an information sheet on a form approved by the court. SLR 13.095(5).

At the time of appointment, the applicant must be (a) an attorney practicing in Linn or Benton Counties with (i) at least five years of continuous practice and (ii) significant experience in, and a current emphasis on, either civil litigation or domestic relations litigation, depending upon the arbitration panel the applicant seeks to join; or (b) a retired or senior judge. SLR 13.095(1). Non-attorney arbitrators or arbitrators located outside Linn and Benton Counties may be selected for a particular case if the parties so stipulate. SLR 13.095(3).

Applicants should contact the trial court administrator in District 23 for specific instructions. Contact information available in *Appendix B*.

For general information, please visit:

http://courts.oregon.gov/Linn/court_records/pages/alternative.aspx

See *Appendix D* for District 23's Supplementary Local Rules

JUDICIAL DISTRICT 24

There are no additional requirements for District 24. Applicants should contact the trial court administrator in District 24 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 24's Supplementary Local Rules

JUDICIAL DISTRICT 25

In addition to meeting the requirements contained in UTCR 13.090, Supplementary Local rule 13.055 for District 25 requires an applicant to submit a signed application. SLR 13.055(1)(a). At the time of appointment, the applicant must have been an active member of the Oregon State Bar for at least five years, or a retired or senior judge. SLR 13.055(1)(b). Non-attorney arbitrators may be selected for a particular case if the parties so stipulate. SLR 13.055(1)(b), (2). Applicants located outside of Yamhill County must be willing to hold hearings within Yamhill County. SLR 13.055(1)(e).

Applicants should contact the trial court administrator in District 25 for specific instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 25's Supplementary Local Rules

JUDICIAL DISTRICT 26

There are no additional requirements for District 26. Applicants should contact the trial court administrator in District 26 for instructions. Contact information available in *Appendix B*.

See *Appendix D* for District 26's Supplementary Local Rules

JUDICIAL DISTRICT 27

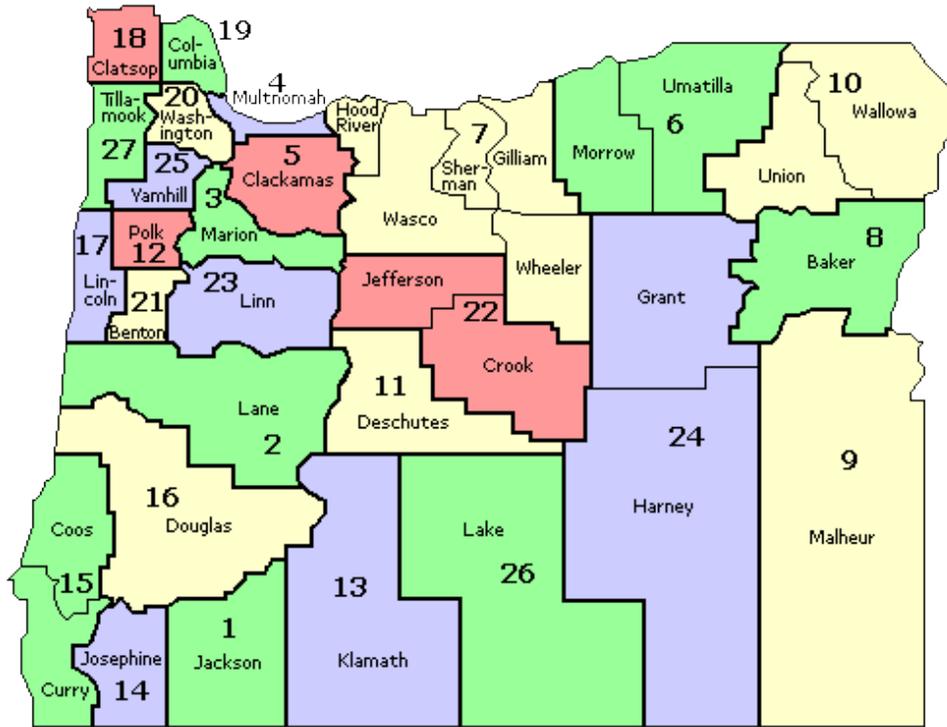
There are no additional requirements for District 27. Applicants should contact the trial court administrator in District 27 for instructions. Contact information available in *Appendix B*.

For general information please visit: <http://courts.oregon.gov/Tillamook/pages/programs.aspx>

See *Appendix D* for District 27's Supplementary Local Rules

Appendix A

Oregon Judicial Districts Map



Baker County Judicial District 08
 Benton County Judicial District 21
 Clackamas County Judicial District 05
 Clatsop County..... Judicial District 18
 Columbia County Judicial District 19
 Crook County..... Judicial District 22
 Coos County Judicial District 15
 Curry County Judicial District 15
 Deschutes County Judicial District 11
 Douglas County Judicial District 16
 Gilliam County Judicial District 07
 Grant County Judicial District 24
 Harney County Judicial District 24
 Hood River County Judicial District 07
 Jackson County Judicial District 01
 Jefferson County Judicial District 22
 Josephine County Judicial District 14
 Klamath County Judicial District 13

Lake County Judicial District 26
 Lane County Judicial District 02
 Lincoln County Judicial District 17
 Linn County Judicial District 23
 Malheur County Judicial District 09
 Marion County Judicial District 03
 Morrow County Judicial District 06
 Multnomah County Judicial District 04
 Polk County Judicial District 12
 Sherman County Judicial District 07
 Tillamook County Judicial District 27
 Umatilla County Judicial District 06
 Union County Judicial District 10
 Wallowa County Judicial District 10
 Wasco County Judicial District 07
 Washington County Judicial District 20
 Wheeler County Judicial District 07
 Yamhill County Judicial District 25

APPENDIX B

Judicial District Contacts

Text reflects the contact information available on July 15, 2014

Please consult the Oregon Judicial Department website for the most recent contact information available: <http://courts.oregon.gov/OJD/courts/circuit/pages/index.aspx>

District	Court	Name	Telephone
01	JACKSON County Courts Trial Court Administrator Justice Building 100 South Oakdale Medford, OR 97501	Robert Kleker	Office Phone: (541) 776-7171, ext 123 Office Fax: (541) 776-7057 Info Phone: (541) 776-7171, ext 120 TTY Phone: (541) 779-9146
02	LANE County Courts Trial Court Administrator Lane County Courthouse 125 East Eighth Avenue Eugene, OR 97401	Elizabeth Rambo	Office Phone: (541) 682-4166 Office Fax: (541) 682-4563 Info Phone: (541) 682-4020 TTY Phone: (541) 682-2346
03	MARION County Courts Trial Court Administrator Marion County Courthouse 100 High Street NE P.O. Box 12869 Salem, OR 97309	Diane M. Morse	Office Phone: (503) 588-5368 Office Fax: (503) 373-4454 Info Phone: (503) 588-5105 TTY Phone: (503) 588-4444
04	MULTNOMAH County Courts Trial Court Administrator Multnomah County Courthouse 1021 SW Fourth Avenue Portland, OR 97204	Douglas Bray	Office Phone: (503) 988-3957 Office Fax: (503) 988-5773 Info Phone: (503) 988-3957 TTY Phone: (503) 988-3907
05	CLACKAMAS County Courts Trial Court Administrator Clackamas County Courthouse 807 Main Street Oregon City, OR 97045	Debbie D. Spradley	TCA Phone: (503) 655-8670 Office Fax: (503) 650-3962 Info Phone: (503) 655-8447 TTY Phone: (503) 650-3036
06	UMATILLA County Courts Trial Court Administrator Umatilla County Courthouse 216 SE 4th Street P.O. Box 1307 Pendleton OR 97801	Roy N. Blaine	Office Phone: (541) 278-0341 ext 224 Office Fax: (541) 278-2071 Info Phone: (541) 278-0341 ext 220 TTY Phone: (541) 278-0341

06	MORROW County Courts Trial Court Office Coordinator Morrow County Courthouse 100 South Court Street P.O. Box 609 Heppner, OR 97836	Jackie Geier	Office Phone: (541) 676-5690 Office Fax: (541) 676-9902 Info Phone: (541) 676-5264 TTY Phone: (541) 676-5264
07	GILLIAM County Courts Trial Office Coordinator Gilliam County Courthouse 221 South Oregon Street P.O. Box 622 Condon, OR 97823	Alyssa Winslow	Office Phone: (541) 384-3572 Office Fax: (541) 384-2166 Info Phone: (541) 384-3572
	HOOD RIVER County Courts Trial Court Administrator Hood River County Courthouse 309 State Street Hood River, OR 97031	Sherry Smith	Office Phone: (541) 387-6917 Office Fax: (541) 386-3465 Info Phone: (541) 386-3535
	SHERMAN County Courts Trial Court Office Coordinator Sherman County Courthouse P.O. Box 402 Moro, OR 97039	Sarah Irzyk	Office Phone: (541) 565-3650 Office Fax: (541) 565-3249 Info Phone: (541) 565-3650
	WASCO County Courts Trial Court Administrator Wasco County Courthouse 511 Washington Street P.O. Box 1400 The Dalles, OR 97058	Sherry Smith	Office Phone: (541) 506-2709 Office Fax: (541) 506-2711 Info Phone: (541) 506-2700 ext 10 TTY Phone: (541) 506-5611
	WHEELER County Courts Trial Court Office Coordinator Wheeler County Courthouse P.O. Box 308 Fossil, OR 97830	Alyssa Winslow	Office Phone: (541) 763-2541 Office Fax: (541) 763-2026 Info Phone: (541) 763-2541
08	BAKER County Courts Trial Court Administrator Baker County Courthouse 1995 Third Street, Suite #220 Baker City, OR 97814	Elaine Calloway	TCA Phone: (541) 523-6303, ext 18 Office Fax: (541) 523-9738 Info Phone: (541) 523-6305 TTY Phone: (541) 523-6303
09	MALHEUR County Courts Trial Court Administrator Malheur County Courthouse 251 "B" Street W PO Box 670 Vale, OR 97918	Kim Migliaccio	Office Phone: (541) 473-5178 Office Fax: (541) 473-2213 Info Phone: (541) 473-5178 TTY Phone: (541) 473-5178

10	UNION County Courts Trial Court Administrator Union County Courthouse 1008 K Avenue La Grande, OR 97850	Michelle Leonard	Office Phone: (541) 962-9500, ext 2244 Info Phone: (541) 962-9500, ext 0 TTY Phone: (541) 963-0444
	WALLOWA County Courts Trial Court Administrator Wallowa County Courthouse 101 S. River Street, Room 204 Enterprise, OR 97828	Michelle Leonard	Office Fax: (541) 426-4992 Info Phone: (541) 426-4991 TTY Phone: (541) 426-6277
11	DESCHUTES County Courts Trial Court Administrator Deschutes County Courthouse 1164 NW Bond Bend, OR 97701	Jeffrey Hall	Office Phone: (541) 388-5300 Office Fax: (541) 388-5309 Info Phone: (541) 388-5300 TTY Phone: (541) 388-5309
12	POLK County Courts Trial Court Administrator Polk County Courthouse 850 Main Street Dallas, OR 97338	Heidi Bittick	Office Phone: (503) 623-3154 Office Fax: (503) 623-6614 Info Phone: (503) 623-3154 TTY Phone: (503) 623-0700
13	KLAMATH County Courts Trial Court Administrator Klamath County Courthouse 316 Main Street Klamath Falls, OR 97601	John Powell	Office Phone: (541) 883-5503, ext 242 Office Fax: (541) 882-6109 Info Phone: (541) 883-5503, ext 0 TTY Phone: (541) 882-6109
14	JOSEPHINE County Courts Trial Court Administrator Josephine County Courthouse 500 NW 6 th , Dept 17 Grants Pass, OR 97526	Kirk Brust	Office Phone: (541) 476-2309, ext 222 Office Fax: (541) 471-2079 Info Phone: (541) 476-2309 TTY Phone: (541) 474-3576
15	COOS County Courts Trial Court Administrator Coos County Courthouse 250 N. Baxter Coquille, OR 97423	Teresa Bennett	Office Phone: (541) 396-4063 Office Fax: (541) 396-3456 Info Phone: (541) 396-4100 TTY Phone: (541) 396-5870
	CURRY County Courts Court Operations Supervisor Curry County Courthouse 29821 Ellensburg Avenue Mail: 94235 Moore St. Ste 200 Gold Beach, OR 97444	Holly Halcumb	Office Phone: (541) 247-4511 Office Fax: (541) 247-6731 Info Phone: (541) 247-4511

16	DOUGLAS County Courts Trial Court Administrator Justice Building, Room 201 1036 SE Douglas Street Roseburg, OR 97470	Jessie M. Larner	Office Phone: (541) 957-2409 Office Fax: (541) 957-2461 Info Phone: (541) 957-2471 TTY Phone: (541) 957-2460
17	LINCOLN County Courts Trial Court Administrator Lincoln County Courthouse 225 W. Olive Street P.O. Box 100 Newport, OR 97365	Bonnie Savage	Office Phone: (541) 265-4236, ext 234 Office Fax: (541) 265-7561 Info Phone: (541) 265-4236, ext 0 TTY Phone (541) 265-6577
18	CLATSOP County Courts Trial Court Administrator Clatsop County Courthouse 749 Commercial Street P.O. Box 835 Astoria, OR 97103	Lee Merrill	Office Phone: (503) 325-8555, ext 301 Office Fax: (503) 325-9300 Info Phone: (503) 325-8583
19	COLUMBIA County Courts Trial Court Administrator Columbia County Courthouse 230 Strand Street St. Helens, OR 97051	Susan J. Hill	Office Phone: (503) 397-2327, ext 315 Office Fax: (503) 397-3226 Info Phone: (503) 397-2327, ext 0
20	WASHINGTON County Courts Trial Court Administrator Washington County Courthouse 150 N. First Avenue Hillsboro, OR 97124	Richard E. Moellmer	Office Phone: (503) 846-8767 Office Fax: (503) 846-2951 Info Phone: (503) 846-8888 TTY Phone: (503) 846-4863
21	BENTON County Courts Trial Court Administrator Benton County Courthouse 120 NW Fourth P.O. Box 1870 Corvallis, OR 97339	Linda Hukari	TCA Phone: (541) 766-6859 Office Fax: (541) 766-6028 Info Phone: (541) 766-6859 TTY Phone: (541) 766-6759
22	CROOK County Courts Trial Court Administrator Crook County Courthouse 300 NE Third Street Prineville, OR 97754	Amy D. Bonkosky	Office Phone: (541) 447-6541 Office Fax: (541) 447-5116 Info Phone: (541) 447-6541 TTY Phone: (541) 447-5116
	JEFFERSON County Courts Supervisor Jefferson County Courthouse 75 SE "C" Street Suite C Madras, OR 97741	Angela Madden	Office Phone: (541) 475-3317, ext 304 Office Fax: (541) 475-3421 Info Phone: (541) 475-3317 TTY Phone: (541) 475-3421

23	LINN County Courts Trial Court Administrator Linn County Courthouse 300 Fourth Avenue SW P.O. Box 1749 Albany, OR 97321	James E. Belshe	Office Phone: (541) 967-3802 Office Fax: (541) 928-8725 Info Phone: (541) 967-3802 TTY Phone: (541) 967-3825
24	GRANT County Courts Trial Court Administrator Grant County Courthouse 201 S. Humbolt Street P.O. Box 159 Canyon City, OR 97820	Tammy L. Wheeler	Office Phone: (541) 575-1438 Office Fax: (541) 575-2165 Info Phone: (541) 575-1438 TTY Phone: (541) 575-2165
	HARNEY County Courts Trial Court Administrator Harney County Courthouse 450 N. Buena Vista #16 Burns, OR 97720	Tammy L. Wheeler	Office Phone: (541) 573-5207 Office Fax: (541) 573-5715 Info Phone: (541) 573-5207 TTY Phone: (541) 573-5715
25	YAMHILL County Courts Trial Court Administrator Yamhill County Courthouse 535 NE Fifth Street, Room #133 McMinnville, OR 97128	Tammy R. Dover	Office Phone: (503) 434-7496 Office Fax: (503) 472-5805 Info Phone: (503) 434-7530 TTY Phone: (503) 434-9111
26	LAKE County Courts Court Operations Supervisor Lake County Courthouse 513 Center Street Lakeview, OR 97630	Aimee Davidson	Office Phone: (541) 947-6051 Office Fax: (541) 947-3724 Info Phone: (541) 947-6051 TTY Phone: (541) 882-6109
27	TILLAMOOK County Courts Trial Court Administrator Tillamook County Courthouse 201 Laurel Avenue Tillamook, OR 97141	Emily A. Hurliman	Office Phone: (503) 842-2596, ext 2124 Office Fax: (503) 842-2597 Info Phone: (503) 842-2596, ext 0

APPENDIX C

Uniform Trial Court Rules (UTCR) Chapter 13

Text reflects the Uniform Trial Court Rules in effect on August 1, 2014

http://courts.oregon.gov/OJD/docs/programs/utcr/2014_UTCR.pdf

Please consult the most recent version of the Uniform Trial Court Rules

<http://courts.oregon.gov/OJD/programs/utcr/pages/utcrules.aspx>

(Above link offers access to the most current version of the Uniform Trial Court Rules; you will be required to locate Uniform Trial Court Rules chapter 13 from the index provided in the link.)

13.010 APPLICATION OF CHAPTER

- (1) This UTCR chapter applies to arbitration under ORS 36.400 to 36.425 and Acts amendatory thereof but, except as therein provided, does not apply to any of the following:
 - a. Arbitration by private agreement.
 - b. Arbitration under any other statute.
 - c. Matters exempt by ORS 36.400.
 - d. Any civil action exempt from arbitration by action of a presiding judge under ORS 36.405.
- (2) This UTCR chapter on arbitration is not designed to address every question that may arise during the arbitration hearing. These rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion.

13.030 ARBITRATION COMMISSION

- (1) Each court must establish an arbitration commission.
- (2) The function of the arbitration commission is to supervise the arbitration program and to give advisory opinions relating to arbitration.
- (3) The arbitration commission must include both judge and attorney members and, as an ex officio member, the court administrator.

13.040 RELATIONSHIP TO COURT JURISDICTION AND APPLICABLE RULES

- (1) A case filed in the circuit court remains under the jurisdiction of that court in all phases of the proceedings, including arbitration. Except for the authority expressly given to the arbitrator by these rules, all issues shall be determined by the court of jurisdiction.
- (2) Until a case is assigned to the arbitrator, Oregon Rules of Civil Procedure apply. After a case is assigned to an arbitrator, these arbitration rules apply except where an arbitration rule states that a Rule of Civil Procedure applies.
- (3) Once a case is assigned to arbitration, all motions against the pleadings, all motions for discovery, and all similar pretrial motions not then resolved will be submitted to the

arbitrator only and determined by the arbitrator. The arbitrator's determination, however, will apply only during the arbitration proceeding. If a request for trial *de novo* is filed, such matters may be raised again. If the arbitrator's decision on a pretrial motion will prejudice a party on trial *de novo*, that party may file an appropriate motion with the court.

13.050 ARBITRATION WHEN CASE ALREADY SET FOR TRIAL

- (1) Cases will not be assigned to arbitration within 63 days of the set trial date, except by order of the court.
- (2) A court order is not necessary if by stipulation the parties agree upon an arbitrator and agree upon a hearing date at least 28 days before the scheduled trial date.

13.060 PLEADINGS IN CASES SUBJECT OR NOT SUBJECT TO ARBITRATION

- (1) All civil actions (including domestic relations cases described under ORS 36.405(1)(b)) will be assigned to arbitration unless one of the following occurs:
 - a. The title of a pleading contains the words "CLAIM NOT SUBJECT TO MANDATORY ARBITRATION" in compliance with subsection (3) of this rule.
 - b. Any party files a notice, prior to the assignment to arbitration, that the case is not subject to mandatory arbitration. The notice must state grounds sufficient to exempt the case from mandatory arbitration.
 - c. The court orders the case removed from mandatory arbitration under ORS 36.405(2).
- (2) Notice under part (1)(a) or (1)(b) of this rule does not prevent any party from asserting by appropriate motion, that the case is subject to mandatory arbitration.
- (3) A party must place one or the other of the following in the title of a pleading in the case (including a claim, counterclaim, cross claim, third-party claim, petition, and response): "SUBJECT TO MANDATORY ARBITRATION" or "CLAIM NOT SUBJECT TO MANDATORY ARBITRATION." When a party places the "NOT SUBJECT" language in the title of the pleading, the party gives notice to the court and other parties that the case is exempted from mandatory arbitration either clearly by statute or under these rules. This language must not be in the title of a pleading for any other purpose. A party's signature on pleadings containing such language constitutes the party's certificate of such notice under ORCP 17. In all other instances, the party will place the language in the title indicating the case is subject to mandatory arbitration.

13.070 EXEMPTION FROM ARBITRATION

Within 14 days after notification by the court that the case is assigned to arbitration, any party seeking exemption from arbitration must file and serve a "Motion for Exemption from Arbitration."

13.080 ASSIGNMENT TO ARBITRATOR

- (1) The parties may select an arbitrator by stipulation.
- (2) At the time of giving notice of the assignment to arbitration, the trial court administrator shall furnish a list of proposed arbitrators as well as a copy of the procedures for the selection of arbitrators and for setting an arbitration hearing. The procedures for selection of arbitrators shall be established by the arbitration commission.
- (3) An arbitrator shall be assigned under (1) or (2) of this rule within 21 days after the assignment to arbitration.

13.090 ARBITRATORS

- (1) Unless otherwise ordered or stipulated, an arbitrator must be an active member in good standing of the Oregon State Bar, who has been admitted to any Bar for a minimum of five years, or a retired or senior judge. The parties may stipulate to a nonlawyer arbitrator.
- (2) An arbitrator who is not a retired or senior judge or stipulated nonlawyer arbitrator must be an active member in good standing of the Oregon State Bar at the time of each appointment. During any period of suspension from the practice of law or in the event of disbarment, an arbitrator will be removed from the court's list of arbitrators and may reapply when the attorney is reinstated or readmitted to the bar.
- (3) Arbitrators will conduct themselves in the manner prescribed by the Code of Judicial Conduct.

13.100 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to do all of the following, but may exercise the authority conferred only after the case is assigned to a specific arbitrator and any disputes over the assignment have been settled:

- (1) Decide procedural issues arising before or during the arbitration hearing, except issues relating to arbitrability or the qualification of an arbitrator. The court may entertain a challenge to the qualification of an arbitrator on grounds that could not be discovered prior to assignment of the arbitrator to the case.
- (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, enforceable in the manner described in ORS 36.340.
- (5) Administer oath or affirmations to witnesses.
- (6) Rule on the admissibility of evidence in accordance with these rules.
- (7) Determine the facts, apply the law and make an award; 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 (known as Summary Judgment under ORCP).

- (9) Require a party, an attorney advising each 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.

13.110 ARBITRATOR'S OATH

Arbitrators will be required to execute the following oath in writing on a form provided by the trial court administrator at the time of appointment:

“I solemnly affirm that I will faithfully and fairly hear and examine the matters in controversy and that I will make a just award to the best of my understanding.”

13.120 COMPENSATION OF ARBITRATOR

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

13.130 RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS

Unless all parties otherwise agree, no disclosure of any offers or settlement made by any party shall be made to the arbitrator prior to the announcement of the award. Neither counsel nor a party may communicate with the arbitrator, regarding the merits of the case, except in the presence of, or on reasonable notice to, all other parties. Except for Judicial Rules 3, 4, and 5 of the Code of Judicial Conduct, all rules of professional conduct concerning Bench and Bar apply in the arbitration process.

13.140 DISCOVERY

Discovery shall be conducted in accordance with Oregon Rules of Civil Procedure, and all motions shall be determined by the arbitrator. The arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount of controversy, and the possibility of unfair surprise that may result if discovery is restricted.

13.150 SUBPOENA

In accordance with the Oregon Rules of Civil Procedure, a lawyer of record or the arbitrator may issue a subpoena for the attendance of a witness at the arbitration hearing or for the production of documentary evidence at the hearing.

13.160 SCHEDULING OF THE HEARING

- (1) The arbitrator shall set the time, date and place of hearing and shall give reasonable notice of the hearing date to the parties and comply with ORS 36.420. The arbitrator shall also give notice of the hearing date and any continuance to the trial court administrator.
- (2) A court may adopt a supplementary local rule establishing a deadline for the arbitration hearing and a process for obtaining a postponement or continuance. A supplementary local rule may not allow the arbitration process to extend more than six months from the date the case is assigned to an arbitrator. In the absence of a supplementary local rule adopted pursuant to this section, the requirements set forth below in sections (3) and (4) shall apply.
- (3) Except for good cause shown, the hearing must be scheduled to take place not sooner than 14 days, or later than 49 days, from the date of assignment of the case to the arbitrator. The parties may stipulate to a postponement or continuance only with the permission of the arbitrator. Such postponements or continuances must also be within the 49-day period. Any continuances or postponements beyond such period require the arbitrator to obtain approval of the presiding judge. The arbitrator must give notice of any continuance to the trial court administrator.
- (4) Continuances and postponements shall not be granted except in the more unusual circumstances. Approximately two months are allocated for the arbitration process. The arbitrator is given the power to enforce the rules and will be required to maintain the schedule.

13.170 PREHEARING STATEMENT OF PROOF

- (1) At least 14 days prior to the date of the arbitration hearing, each party must submit to the arbitrator and serve upon all other parties all the following:
 - a. A list of all exhibits to be offered showing or accompanied by a description of the document and the name, address and telephone number of its author or maker and complying with UTCR 13.190(2)(c). Each party, upon request, must make any exhibits available for inspection and copying by other parties.

- b. A list of witnesses the party intends to call at the arbitration hearing with their addresses and telephone numbers and a statement of the matters about which each witness will be called to testify.
 - c. An estimate as to the expected length of the hearing.
- (2) A party failing to comply with this rule, or failing to comply with a discovery order, may not present at the hearing any witness or exhibit required to be disclosed or made available, except with the permission of the arbitrator.
- (3) Each party must also furnish the arbitrator, at least 14 days prior to the arbitration hearing, with copies of pleadings and other documents contained in the court file which that party deems relevant.

13.180 CONDUCT OF HEARING

- (1) Arbitration hearings shall be informal and expeditious. The arbitrator shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to do the following:
- a. Make the interrogation and presentation effective for the ascertainment of the facts.
 - b. Avoid needless consumption of time.
 - c. Protect witnesses from harassment or undue embarrassment.
- (2) A witness shall be placed under oath or affirmation prior to presenting testimony, a violation of which oath shall be deemed contempt of court, in addition to other penalties that may be provided by law. The arbitrator may question the witness. The extent to which the rules of evidence will be applied shall be determined in the discretion of the arbitrator.
- (3) The hearing may be recorded electronically or otherwise by any party or the arbitrator. The cost of such recording is not a recoverable item of cost.

13.190 CERTAIN DOCUMENTS ADMISSIBLE

- (1) The documents listed in subsection (2) of this rule, if relevant, are admissible at an arbitration hearing, but only if:
- a. The party offering the document has included in the prehearing statement of proof a description of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing; and
 - b. The party offering the document promptly has made available, after request, to all other parties, all other documents from the same author or maker.
- (2) The following documents are subject to this rule:
- a. A bill, report, chart or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider on a letterhead or a printed bill.
 - b. A bill for drugs, medical appliances or other related expenses on a letterhead or a printed bill.

- c. A bill for, or an estimate of, property damage on a letterhead or a printed bill. In the case of an estimate, the party intending to offer the estimate must forward with the prehearing statement of proof under UTCR 13.170 a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid.
 - d. A police, weather, wage loss or traffic signal report or standard life expectancy table.
 - e. A photograph, x-ray, drawing, map, blueprint or similar documentary evidence.
 - f. The written statement of any witnesses, including the written report of an expert witness which may include a statement of the expert's qualifications, and including a statement of opinion which the witness would express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury.
 - g. A document not specifically covered by any of the foregoing provisions, but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the policies, purposes and interests of justice.
- (3) Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

13.200 ABSENCE OF PARTY AT HEARING

- (1) The arbitration hearing may proceed and an award may be made in the absence of any party who, after due notice, fails to participate or to obtain a continuance or postponement.
- (2) If a defendant is absent, the arbitrator shall require the plaintiff to submit evidence sufficient to support an award.
- (3) In a case involving more than one defendant, the absence of a defendant does not preclude the arbitrator from assessing as part of the award damages against the defendant or defendants who are absent.
- (4) The arbitrator, for good cause shown, may allow an absent party an opportunity to appear at a subsequent hearing before making an award.

13.210 FORM AND CONTENT OF AWARD

- (1) The award must be in writing and prepared on a form prescribed by the court and signed by the arbitrator.
- (2) The arbitrator shall determine all issues raised by the pleadings, including a determination of any damages, costs and attorney fees where allowed under applicable law.
- (3) Findings of fact, conclusions of law and written opinions are not required.
- (4) The award must contain the caption of the case and all the following information:
 - a. The date of the hearing, if any.

- b. The prevailing party and the amount of relief awarded.
 - c. Whether any part of the award was based on the failure of any party to appear and the identity of that party.
 - d. The name and office address of the arbitrator.
 - e. Provision for costs and for attorney fees where allowed under applicable law.
 - f. Interest in accordance with applicable law specifying the rate of interest and the date from which it accrues.
- (5) Within 7 days after the conclusion of the arbitration hearing, the arbitrator shall send the award to the parties without filing with the court and shall establish procedures for determining attorney fees and costs.
- (6) In dissolution cases, the arbitrator shall send the award to the parties within 7 days after the conclusion of the arbitration hearing and shall direct a party to prepare and submit a form of judgment. The arbitrator, upon request of any party, shall give the parties an opportunity to be heard on the form of judgment. The arbitrator shall then approve a form of judgment and file the award, along with the approved form of judgment, per UTCR 13.220.

1988 Commentary:

It is the intent of the Committee that 13.210(2) applies in dissolution cases.

1994 Commentary:

The Committee intends that the arbitrator determine all costs to which the prevailing party may be entitled, including the prevailing fee and share of the arbitrator's fee.

13.220 FILING OF AN AWARD

- (1) The arbitrator shall file the award with the trial court administrator, together with proof of service of a copy of the award, upon each party within the following times after the completion of the arbitration hearing:
- a. In dissolution cases within 21 days.
 - b. In all other cases within 14 days.
- (2) An arbitrator may request an extension of time for filing of the award by presenting a written *ex parte* request to the trial court administrator. The trial court administrator may grant or deny the request, subject to review of the presiding judge. The arbitrator shall give the parties notice of any extension granted.
- (3) The arbitrator may file with the trial court administrator and serve upon the parties an amended award to correct an obvious error made in stating the award if done within the time for filing an award or upon application to the court to amend.
- (4) After the award is filed, the arbitrator must return all documents and exhibits to the parties who originally offered them. All other documents and materials relating to the case must be delivered to the trial court administrator. The parties must retain all exhibits returned by the arbitrator until a final judgment is entered in the case.

13.240 JUDGMENT ON AWARD

If no request for trial *de novo* is filed within the time established by ORS 36.425(3), the arbitration decision and award will be entered and have the effect provided in that statute.

13.250 REQUEST FOR TRIAL *DE NOVO*

- (1) A party who qualifies under ORS 36.425(2) may obtain a trial *de novo* on the case determined by completing the service, filing, payment of trial or jury fee and deposit as required under ORS 36.425(2).
- (2) In addition to the provisions under ORS 36.425 relating to a trial *de novo*, the following provisions apply:
 - a. In addition to filing a written notice of appeal and request for trial *de novo* with the trial court administrator, the party must serve on the parties a copy of the written notice of appeal and request for a trial *de novo* filed with the trial court administrator, and proof of such service must be filed with the trial court administrator.
 - b. When cases are consolidated for arbitration and a party has filed an appeal from the arbitration award in one or more of the consolidated cases, any other party who otherwise qualifies under ORS 36.425(2) may serve and file with the trial court administrator a request for trial *de novo*, with proof of service on all other parties, within 20 days from the filing of the arbitration award or within two judicial days after the service of the initial written request for trial *de novo*, notwithstanding the lapse of 20 days from the filing of the arbitration award.
 - c. If the trial *de novo* request is withdrawn, or abandoned, such appealing party must obtain permission of the court or there must be a stipulation of all parties to the abandonment of the appeal and the terms thereof.
 - d. Cross appeal is not necessary to preserve issues raised in a counterclaim, because the trial *de novo* encompasses all claims raised by any party in the particular case appealed.
 - e. The court may assess statutory costs against a party who withdraws a request for trial *de novo*.

13.260 PROCEDURE AT TRIAL *DE NOVO*

The trial court administrator must seal any award if a trial *de novo* is requested. Neither judge nor jury will be informed of the arbitration result. The sealed arbitration award will not be opened until after the verdict is received and filed in a jury trial or until after the judge has rendered a decision in a court trial.

13.280 TRIAL DOCKET

Every case assigned to arbitration shall maintain its approximate position on the civil trial docket as if the case had not been assigned to arbitration, unless, at the discretion of the court, the docket position should be modified.

13.300 PRETRIAL SETTLEMENT CONFERENCES AND ARBITRATION

Cases assigned to arbitration or the pendency of an arbitration hearing does not exclude a case from participating in a court pretrial settlement conference.

APPENDIX D

Supplementary Local Rules (SLR)

Text reflects the Supplementary Local Rules in effect on July 15, 2014

Please consult the most recent version of your district's rules

<http://www.ojd.state.or.us/Web/OJDPublications.nsf/SLR?OpenView&count=1000>

Judicial District 01 Supplementary Local Rules – Chapter 13

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.

13.021 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 36.185 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 that the case is at issue, the court clerk 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 mediation, the case shall be assigned to arbitration pursuant to SLR 12.008.
- (3) All cases assigned to arbitration 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 impose an appropriate sanction, 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.

13.024 ARBITRATION DATE

The date for the arbitration hearing will be no more than six months from the date the case is assigned to an arbitrator.

For Judicial District 01's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Jackson_SLR_2014.pdf/\\$File/Jackson_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Jackson_SLR_2014.pdf/$File/Jackson_SLR_2014.pdf)

Judicial District 02 Supplementary Local Rules – Chapter 13

13.041 REFERRAL TO ARBITRATION; MOTIONS

- (1) A case subject to arbitration will be transferred to arbitration when the case is at issue or 150 days have elapsed since its filing, whichever occurs first.
- (2) After a case has been transferred to arbitration, the original of any motion must be filed with the arbitrator. Unless otherwise provided by rule or statute, all such motions will be decided by the arbitrator.
- (3) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case no longer to be subject to mandatory arbitration, the party filing such a pleading must so notify the arbitration clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

13.121 COMPENSATION OF ARBITRATORS

- (1) Any dispute as to the amount of the arbitrator's fee must be submitted to the court in the form of a motion to determine Arbitrator's Fee within seven (7) days of receipt by the complaining party of the arbitrator's itemized statement required by UTCR 13.120(2). The motion shall be supported by an affidavit and a memorandum supporting the party's position.
- (2) The arbitrator shall file a response, supported by an affidavit, within seven (7) days of receipt of the motion, and the dispute will be resolved by the court in a summary fashion without further argument.
- (3) If seven (7) days after the court's determination the arbitrator's fee has not been paid in full, or funds on deposit with the arbitrator in excess of the fee determined to be reasonable have not been refunded to the party(ies), the party/arbitrator to whom the money is owed may file a request with the court for entry of an appropriate judgment by the way of a Supplemental Judgment in the case.

For Judicial District 02's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Lane_SLR_2014.pdf/\\$File/Lane_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Lane_SLR_2014.pdf/$File/Lane_SLR_2014.pdf)

Judicial District 03 Supplementary Local Rules – Chapter 13

13.045 ARBITRATORS

- (1) To qualify as a court-appointed arbitrator, a person must:
 - (a) meet the requirements contained in UTCR 13.090,
 - (b) participate in at least ten trials or arbitrations either as a lawyer or an arbitrator or other comparable professional experience in the area of law the applicant proposes to arbitrate,
 - (c) submit three letters of recommendation to the court, and
 - (d) receive approval by the Presiding Judge, upon recommendation of the Marion County Commission on Dispute Resolution.
- (2) The parties may stipulate to an arbitrator not approved by the Court and proceed though court annexed arbitration, regardless of whether that arbitrator meets the minimum requirements outlined in section (1).
- (3) The Presiding Judge may remove an arbitrator from the panel at the Presiding Judge's discretion.
- (4) Each arbitrator shall be evaluated by the Marion County Commission on Dispute Resolution at least every five years for compliance with standards of legal practice, UTCRs, SLRs, and Marion County Arbitration Procedures. Complaints or comments about the arbitrator should be submitted in writing to the Arbitration Coordinator and may be considered in the review process. The Commission may recommend approval or removal based upon this review.
- (5) A written complaint against an arbitrator shall be reviewed within 60 days by the Marion County Commission on Dispute Resolution. The Commission may make recommendations as the Commission feels are appropriate based upon the review.

13.055 SPECIFICATION OF ARBITRATORS HOURLY RATE

Arbitrators shall specify the agreed-to hourly rate, if it is any different from the norm, when they are initially appointed by the court and have contact with the parties. Arbitrators that charge more than the court's normal arbitration fees shall be identified on the arbitration lists available to litigants.

13.075 TRIAL DE NOVO

In a civil action where a party asserts a claim in an amount which is subject to the arbitration limit under ORS 36.400(3), that party shall not be precluded from asserting a larger claim in a trial de novo under ORS 36.425, subject to ORCP 23.

13.085 EXEMPTION FROM ARBITRATION

The Marion County Courts have instituted a mediation program as described in ORS 36.405(3). The parties shall not be required to participate in arbitration if they participate in mediation under SLR 12.115 through 12.165.

13.095 ARBITRATION PROCEEDING

- (1) All cases referred to arbitration under these rules must be heard by the arbitrator in Marion County, unless this requirement is waived by all parties in writing prior to the arbitration hearing. In addition the arbitrator shall notify the court arbitration coordinator of the date, time and location of every arbitration hearing so that public notice may be provided pursuant to ORS 36.420. Failure to comply with this rule may result in removal from the arbitration panel pursuant to SLR 13.045(3).
- (2) Except for good cause shown, the hearing must be scheduled to take place not sooner than 14 days, or later than 77 days, from the date of assignment of the case to the arbitrator. The parties may stipulate to a postponement or continuance only with the permission of the arbitrator. Such postponements or continuances must also be within the 77 day period. Any continuances or postponements beyond such period require the moving party to obtain approval of the Presiding Judge or his or her designee. The arbitrator must give notice of any continuance to the arbitration coordinator.
- (3) Upon failure to timely comply with UTCR 13.160 or any SLR adopted pursuant thereto, the Presiding Judge, or his or her assignee, may, exercise the court's authority under UTCR 1.090(2).
- (4) A party that fails to tender fees to the arbitrator under UTCR 13.120(2), without a waiver pursuant to UTCR 13.120(3), may at the discretion of the arbitrator be precluded from presenting evidence or participating in the arbitration. The arbitrator may proceed in the same manner set forth in UTCR 13.200.

For Judicial District 03's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Marion_SLR_2014.pdf/\\$File/Marion_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Marion_SLR_2014.pdf/$File/Marion_SLR_2014.pdf)

Judicial District 04 Supplementary Local Rules – Chapter 13

13.025 REQUEST FOR AND OBJECTIONS TO ARBITRATION

- (1) Any party may file and serve notice of a request that the Court transfer a case to arbitration.
- (2) A party opposing exemption from arbitration pursuant to UTCR 13.070 shall file such opposition, in writing, within three days of the filing of the motion for exemption. A Court decision on such exemption will be rendered within five days following the filing of a motion for exemption from arbitration, regardless of whether opposition was filed. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

**13.032 SUBMISSION OF COPIES OF MOTIONS AND OTHER DOCUMENTS TO CHIEF
ALTERNATIVE DISPUTE RESOLUTION JUDGE**

For cases subject to arbitration, and except for motions requiring decision by the arbitrator, any motion, challenge, response or reply required or allowed by these rules, the Oregon Revised Statutes or the Uniform Trial Court Rules, must include a copy which shall be delivered to the Chief Alternative Dispute Resolution Judge contemporaneous with the filing of such motion, challenge, response or reply. The party preparing the document is responsible for delivery of the copy to the Chief ADR Judge.

**13.035 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION;
AMENDMENT OF PLEADINGS**

- (1) A case assigned to arbitration will not be exempted without an order, supported by a motion and affidavit, declaration, or certification under ORCP 17C.
- (2) Only in extraordinary circumstances will the Court order a case returned from arbitration to the Court docket after a case has been assigned to an arbitrator.
- (3) In the event that amended pleadings are allowed by the arbitrator (e.g., amended complaint, third-party complaint, etc.), in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading must notify the Arbitration Clerk in the Civil Division of the Office of the Trial Court Administrator and file the amended pleadings, together with the Arbitrator's Order allowing such amended pleadings, with the Court. Amendment of the pleadings in the foregoing manner does not, by itself, remove a case from arbitration.
- (4) If a party seeks to exempt a case from arbitration in accordance with subsection (3) of this rule, or on any other basis, or seeks an order exempting from arbitration a case that would otherwise be referred to arbitration, that party shall file a motion, supported by affidavit, declaration or certification, with the court, and serve the motion:
 - (a) on the other party or parties in the case;
 - (b) on the arbitrator, if an arbitrator has been assigned to the case; and
 - (c) on the Arbitration Clerk in the Civil Division of the Office of the Trial Court Administrator.
- (5) A party that moves for an order under subsection (4) of this rule shall promptly advise the arbitrator in the case, if one has been assigned, of the resolution of the motion.
- (6) Cases exempted from arbitration under this rule may, when again appropriate, be reinstated into arbitration.

13.042 ASSIGNMENT TO ARBITRATION

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 before the case is assigned to arbitration. No case shall be assigned to arbitration until all parties have appeared or

have had a judgment of default entered against them. If a case has been assigned to arbitration prior to the filing of a motion directed to the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

13.048 INDIGENT PARTIES

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived or deferred, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator. Such request shall be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for the hours authorized by the court under the UTCR 13.120 (1) compensation schedule for each indigent party. The certificate must be accompanied by a copy of the order deferring or waiving fees of the indigent party. Requests for payment should be submitted with the award or within 90 days of the submission of the arbitration award.
- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived or deferred by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one party only, or at a reduced rate.
- (3) The clerk shall provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement.

13.055 ARBITRATORS

- (1) To qualify as an arbitrator, a person must sign and file an application to be placed on the list of arbitrators, and, if not a retired or senior judge or stipulated non-lawyer arbitrator, be an active member of the Oregon State Bar at the time of each appointment. The Chief Alternative Dispute Resolution Judge may remove a person as an arbitrator if such person fails or refuses to comply with the rules governing the performance of arbitrators, as required by the Oregon Revised Statutes, UTCR or these rules. The Arbitration Commission may adopt additional requirements for inclusion or retention on the list of arbitrators, including experience, training and continuing education.
- (2) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, street address, email address, fax, and phone numbers, and if they have any preference against certain types of cases (e.g., no family law). A list showing the names of arbitrators available to hear cases will be available for inspection in the Room 210 of the Multnomah County Courthouse. An

arbitrator who is no longer willing or able to serve as an arbitrator shall immediately notify the arbitration clerk.

- (3) The appointment of an arbitrator is subject to the right of that person to refuse to serve on an individual case. An arbitrator must notify the clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges.
- (4) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the clerk.
- (5) The parties shall confer, pursuant to UTCR 5.010, to select an arbitrator. The plaintiff or petitioner shall initiate communications for such selection. However, if the plaintiff or petitioner is appearing pro se, an attorney for the defendant(s) shall initiate such communications. If all parties are appearing pro se, or if good faith conference is unsuccessful, each party shall strike 2 names from the list of arbitrators, and return such list to the Chief ADR Judge, with a copy to and proof of service on the other party or parties. The Chief ADR Judge shall then select the arbitrator from the remaining names. In the event no names remain, the Chief ADR Judge may approve the issuance of a second list.

13.065 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purpose of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers or parties.

13.071 UNTIMELY FILED MOTIONS TO EXEMPT FROM ARBITRATION

If a party moves the court for an order of exemption from arbitration, pursuant to the provisions of ORS 36.405(2)(b) and UTCR 13.070, more than 14 days after the court's notice to the parties that the case has been assigned to arbitration, the court may allow such motion and enter an order under ORS 36.405 (2)(b), but only upon the condition that the parties have elected to comply with SLR 12.025 or are not in violation of SLR 7.075.

13.075 SEE 12.025 ET SEQ. FOR MEDIATION AS AN ALTERNATIVE TO ARBITRATION.

13.085 FILING AWARD

- (1) The arbitrator shall not file an arbitration award with the court until the issues of attorney fees and costs have been determined. The arbitrator shall certify on the award that no issues of costs or attorney fees remain undecided upon filing of the award. Unless otherwise ordered by the court, no amended or supplemental arbitration award shall be filed, regardless of whether judgment has been entered on the original.

- (2) At the conclusion of arbitration, if the arbitrator attempts to file the award with the Court without the proof of service of a copy of the decision and award upon each party as required by ORS 36.425(1), the award will not be filed and will be returned to the arbitrator.

**13.165 TIME FOR ARBITRATION HEARING – 91 DAY TIME PERIOD PURSUANT TO UTCR
13.160(2)**

Pursuant to UTCR 13.160 (2), except for good cause shown, the hearing must be scheduled to take place not later than 91 days, measured from the date of assignment to arbitration. With the exception of applying this 91 day time period in place of the 49 day time period set in UTCR 13.160 (3), all other requirements of UTCR 13.160 (3) and (4) apply to the scheduling, postponement or continuance of an arbitration hearing.

**13.255 RETURN OF WRITTEN NOTICE OF APPEAL AND REQUEST FOR TRIAL DE NOVO
SUBMITTED FOR FILING BEYOND THE TIME PERMITTED**

A written notice of appeal and request for a trial de novo received by the trial court administrator for filing beyond the time for filing such a notice under ORS 36.425 and, if applicable, ORCP 10 C, may be returned by the presiding judge, or a designee judge, to the party who submitted the document, with an order, copied to all parties, stating the finding that the document was received beyond the time permitted by law. A copy of the returned notice of appeal and request for trial de novo will be attached to the filed original of the order as a record of the submitted document, but will not be filed separately in the action.

For Judicial District 04's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Multnomah_SLR_2014.pdf/\\$File/Multnomah_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Multnomah_SLR_2014.pdf/$File/Multnomah_SLR_2014.pdf)

Judicial District 05 Supplementary Local Rules – Chapter 13

13.005 ARBITRATION

Clackamas Circuit Court maintains an arbitration program in accordance with UTCR Chapter 13.

13.031 ARBITRATION COMMISSION

To ensure continuity, the attorney Arbitration Commission Board Members currently appointed will serve one, two and three year terms so that their terms will expire in alternate years. Thereafter, appointments will be staggered so that a new attorney board member is appointed yearly for a three year term. The presiding judge will replace the judicial representative(s) as needed and the trial court administrator is a standing ex officio member.

13.051 TRIAL DATE

In all cases subject to mandatory arbitration a trial date will be set in accordance with the court's regular trial setting procedure and UTCR 7.020(5). All arbitration hearings must occur no later than 45 calendar days prior to the judicial settlement conference date set in the case. All requests to reset a trial date must comply with UTCR 6.030 and SLR 6.031.

13.091 ARBITRATORS

- (1) In addition to the requirements set forth in UTCR 13.090, to qualify as an arbitrator, a person must sign and file an application to be placed on the list of arbitrators. The Arbitration Commission may adopt additional requirements for inclusion or retention on the list of arbitrators, including experience, training and continuing education.
- (2) The parties may stipulate to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside of Clackamas County. Such alternative arbitrators shall be required to follow all Clackamas County arbitration rules, procedures, and deadlines.
- (3) An arbitrator who is no longer willing or able to serve as an arbitrator shall immediately notify the arbitration clerk.
- (4) An arbitrator may refuse to serve on an individual case, but must notify the arbitration clerk immediately.
- (5) If such disqualification or refusal occurs, the arbitrator must immediately notify all parties and return all appointment materials in the case to the court.

13.121 COMPENSATION OF ARBITRATOR

Within 14 days of the appointment of the arbitrator, each party must tender to the arbitrator the sum of \$500.00 as preliminary payment unless a party has secured a fee waiver or deferral, in which case the party must submit a copy of the order waiving or deferring arbitration fees to the arbitrator.

Note: On May 6, 2013 the Arbitration Commission established the arbitrator's fee at a rate of \$175.00 per hour, not to exceed \$1,400.00 except upon a showing of extraordinary conditions and with either the concurrence of both parties, or the approval of the Presiding Judge of the Clackamas County Circuit Court.

13.122 INDIGENT PARTIES

- (1) In the event funds are available under ORS 36.420, indigent parties may seek deferral or waiver of arbitration fees by applying within 14 days from the date the case is transferred to arbitration. Applications are available at the Clackamas County Circuit Court, Collections Unit, Room 104, 807 Main St., Oregon City, Oregon 97045. The fee deferral/waiver application, declaration and order must be submitted to the Clackamas County Circuit Court, Collections Unit, Room 104 in accordance with SLR 2.025.
- (2) Any party who obtains a deferral or waiver of arbitration fees as provided in ORS 36.420(3) and UTCR 13.120(3), must immediately provide the arbitrator with a supplemental copy of the court order granting the waiver or deferral. This does not

relieve the court of its obligation under UTCR 13.120(3), but supplements that obligation to ensure the arbitrator is promptly informed.

- (3) In the event funds are available under ORS 36.420 and a fee deferral or waiver has been granted by the court, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator for Clackamas County Circuit Court.
- (4) The arbitrator must submit a copy of the order deferring or waiving fees of the indigent party with the request for payment, which must be in the form of a certificate and include the following:
 - (a) Case identifying information;
 - (b) Total hours of service the arbitrator provided; and
 - (c) The share of those hours chargeable to the indigent party.

13.141 JUDGMENT DOCUMENT MUST BE FILED IF NO TRIAL DE NOVO

If no request for trial de novo is filed within the time established by ORS 36.425(3), then the arbitration decision and award must be incorporated into a General Judgment document that complies with ORS 18.035 et. seq., ORS 18.042 et. seq., ORS 36.425(3) and with all other applicable ORS, ORCP and UTCR. The General Judgment must be filed with the court within thirty (30) days after the time to request a trial de novo has elapsed. The arbitrator is responsible for filing the General Judgment document with the court, but may delegate that filing responsibility to a party.

13.161 LOCATION OF ARBITRATION PROCEEDINGS

Unless otherwise stipulated by all parties, arbitration proceedings shall be scheduled at a location in Clackamas County, Oregon. The arbitrator may schedule telephone conference calls to deal with scheduling and procedural issues.

For Judicial District 05's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Clackamas_SLR_2014.pdf/\\$File/Clackamas_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Clackamas_SLR_2014.pdf/$File/Clackamas_SLR_2014.pdf)

Judicial District 06 Supplementary Local Rules – Chapter 13

13.005 MATTERS SUBJECT TO ARBITRATION

- (1) Any party to a case may file and serve notice of a request that the Court transfer a case to arbitration.
- (2) A court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within ten judicial days following the filing of a motion for exemption from arbitration or the motion is deemed denied. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

13.015 COURT DETERMINES WHETHER CASE SUBJECT TO ARBITRATION

- (1) A case assigned to arbitration will not be removed without a declaration, motion, and order.
- (2) Only in extraordinary circumstances will the court order a case returned from arbitration to the court docket after a case has been assigned to an arbitrator.
- (3) In the event that amended pleadings are allowed by the arbitrator (e.g., amended complaint, third party complaint, etc.), in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading shall notify the Arbitration Clerk in the Office of the Trial Court Administrator. These cases, when appropriate, may be returned to arbitration. In the event that the case is not thereafter subject to mandatory arbitration, the party requesting removal from arbitration shall file a motion to exempt the case from arbitration, or to remove it if it was previously referred to arbitration.

13.025 REFERRAL TO ARBITRATION

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 before the case is referred to arbitration. No case shall be referred to arbitration until all parties have appeared or have had a judgment of default entered against them.

13.045 INDIGENT PARTIES

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator. Such request shall be in the form of a letter stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for up to three (3) hours for each indigent party. The letter shall be accompanied by a copy of the order deferring or waiving fees of the indigent party.
- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one party only, or at a reduced rate.
- (3) The clerk shall provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties shall select an arbitrator from such list in the same manner as required in SLR 13.045.

13.055 ARBITRATORS

- (1) There shall be a panel of arbitrators in such number as the Presiding Judge may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any

- preference against certain types of cases (e.g., no family law). A list showing the names of arbitrators available to hear cases will be available for public inspection at the office of the Trial Court Administrator.
- (2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator shall notify the clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three (3) arbitration cases, subject to the discretion of the Presiding Judge.
 - (3) If such disqualification or refusal occurs, the arbitrator shall notify all parties and immediately return all appointment materials on the case to the Arbitration Clerk in the Office of the Trial Court Administrator.

13.065 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers or parties.

13.075 AWARD, PROOF OF SERVICE

At the conclusion of arbitration, if the arbitrator attempts to file the award with the court without the proof of service of a copy of the decision and award upon each party as required by ORS 36.425(1), the award will not be filed and will be returned to the arbitrator.

For Judicial District 06's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Umatilla-Morrow_SLR_2014.pdf/\\$File/Umatilla-Morrow_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Umatilla-Morrow_SLR_2014.pdf/$File/Umatilla-Morrow_SLR_2014.pdf)

Judicial District 07 Supplementary Local Rules – Chapter 12

12.005 MATTERS SUBJECT TO ALTERNATIVE DISPUTE RESOLUTION (ADR)

- (1) The Seventh Judicial District has a mandatory Alternative Dispute Resolution (ADR) program pursuant to ORS Chapter 107 for matters involving disputes over child custody and parenting time, and pursuant to UTCR Chapter 13 and ORS Chapter 36 for other matters, except those excluded under section 12.005(3) of this rule. Litigants may satisfy this requirement by participating in a judicial settlement conference, mediation or arbitration.
- (2) Except as outlined in paragraph 12.005(3) of this rule, all cases are subject to this rule when the case is at issue. "At issue" means that the case is ready to be set for trial or, if a party seeks to modify the parenting time or custody provisions of a dissolution of marriage judgment or a judgment establishing paternity, when the case is ready to be set for hearing.

- (3) The following cases are excluded from the ADR requirement: FEDs; Probate; Small Claims; Adoptions; Filiation proceedings when the only question is paternity; Support Enforcement matters; Motions to modify child support orders; Juvenile Delinquency and Dependency cases; Criminal cases; Family Abuse Prevention Act restraining orders, issued under ORS 107.700 to 107.732; Elder Abuse Prevention Act restraining orders, issued under ORS 124.005 to ORS 124.040; Temporary Restraining Orders and Preliminary Injunctions under ORCP 79; Expedited Parenting Time Enforcement matters under ORS 107.434; Challenges to Ballot Title Measures; Guardianships; Domestic Relations matters where the parties do not have minor children.
- (4) A party may request that a case not exempt under 12.005(3) of this rule be excused from compliance with this rule. The motion must be substantially in the form illustrated in Appendix C and submitted to the judge to whom the case has been assigned, or if the case has not been assigned to a judge, to the presiding judge. If good cause exists, the judge may excuse the case from compliance with this rule.

12.035 ADR COMMISSION

- (1) The Seventh Judicial District shall maintain an ADR Commission pursuant to the functions and membership requirements of the Oregon Revised Statutes, Oregon Administrative Rules, the Uniform Trial Court Rules and this rule.
- (2) In addition to its other duties, the Commission shall monitor the ADR program, advise the court regarding ADR services, review qualifications and training of arbitrators and mediators participating in, or seeking to participate in, the court annexed program, establish a compensation schedule applicable to the court annexed cases for arbitrators and mediators, prepare a notice of the availability of ADR, and hire staff or contract with an individual or organization as the Commission deems necessary to coordinate the ADR. The notice of the availability of ADR shall include, in addition to a description of the ADR alternatives, the name and telephone number of the person whom the parties contact to initiate mediation or arbitration and the manner in which the parties select a mediator or arbitrator. (See Appendix B to the SLR's.)
- (3) The ADR Commission shall include, at least, the following as members: the presiding judge (hereinafter, all references to "the presiding judge" mean the presiding judge or a judge designated by the Presiding Judge), the Trial Court Administrator, an attorney, a mediator, a court clerk and a lay member. No person who is providing mediation or arbitration services through the court annexed program may be a member of the commission.
- (4) The term of appointment to the commission shall be two years. The presiding judge may reappoint a commission member. The presiding judge may remove a commission member at the judge's discretion.

12.036 ADR PANEL ESTABLISHED

- (1) There shall be a panel of mediators comprised of mediators who satisfy qualifications and training standards prescribed in the OJD Court-Connected Mediator Qualification Rules and have been appointed by the presiding judge.
- (2) There shall be a panel of arbitrators comprised of arbitrators who satisfy the requirements of UTCR 13 and have been appointed by the presiding judge.

12.037 APPOINTMENT TO ADR PANEL

- (1) To apply for inclusion on the ADR panel of mediators and arbitrators, a person must sign and file an application provided by the commission.
- (2) The ADR commission shall review each application and make a recommendation to the presiding judge. The commission may require that applicants appear before the commission in person.
- (3) The decision as to whether an individual is qualified to be on the panel and the number of panel members shall be made by the presiding judge, after considering the advice of the commission.
- (4) The term of appointment to the panel shall not exceed two years. The presiding judge may reappoint a panel member.

12.038 REMOVAL FROM THE ADR PANEL

- (1) The ADR commission shall monitor the performance of ADR panel members and report to the presiding judge as appropriate.
- (2) The presiding judge may remove an ADR panel member from the court panel at the presiding judge's discretion, after considering the advice of the commission.

12.062 REFERRAL TO ADR

- (1) When a party files a complaint, petition or answer, the court clerk receiving the filing shall provide the party a copy of the notice of the availability of ADR.
- (2) When a case is at issue, it shall be the responsibility of the party who initiated the case to contact the court for the purpose of scheduling a judicial settlement conference or to contact the person designated by the commission to initiate mediation or arbitration.

12.085 ASSIGNMENT OF MEDIATOR OR ARBITRATOR AND SCHEDULING

- (1) Unless the parties hire a mediator, mediators shall be assigned from the court's panel on a rotating basis. The parties shall select an arbitrator in a manner to be set forth in the arbitration assignment and payment policy, Appendix D.
- (2) The mediator or arbitrator shall notify the parties of the date, time, and meeting place of the initial mediation or arbitration session. Additional sessions shall be set at the discretion of the mediator or arbitrator.

- (3) The parties may choose, at their option and expense, forms of ADR other than those provided by these rules. Parties entering into private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.
- (4) If the parties elect a form of ADR other than those provided for by these rules, the parties must still comply with the timing and reporting requirements of these rules.
- (5) If a party objects to the court annexed mediator or arbitrator, the party may request reassignment to another mediator or arbitrator by filing an affidavit with the presiding judge, or the judge assigned to the case, setting forth good cause for the request. The judge may grant the request if good cause is shown.

12.125 COMPENSATION OF MEDIATORS AND ARBITRATORS

- (1) In cases under ORS 107, the commission shall establish a payment schedule. In all other cases, payment of the mediation or arbitration fee is due within 14 calendar days of notice of assignment of an arbitrator or mediator. In such cases, each party shall pay directly to the mediator or arbitrator one-half of the prescribed fee, unless the parties and arbitrator or mediator agree otherwise. In arbitration cases, the arbitrator shall advise the parties of the possibility of a waiver or deferral of the arbitration fee under ORS 36.420(2). Motions to waive or defer arbitration fees shall be submitted directly to the court and ruled upon by the presiding judge.
- (2) Excepting cases where fees are waived or deferred pursuant to ORS 36.420(2), if either party fails to pay the prescribed mediation or arbitration fee within 14 calendar days of assignment, the mediator or arbitrator shall report the non-payment to the court in writing to allow the court to determine whether it is appropriate to sanction the party under UTCR 1.090.

12.165 COMPLETING ADR

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

12.225 SETTLEMENT BY ADR

- (1) The results of mediation or arbitration shall be reported to the court by the mediator or arbitrator as "settled" or "not settled."
- (2) Within ten judicial days of reporting a case as "settled," the mediator or arbitrator shall file any written agreement, signed by the parties, with the court and notify the court which party shall be responsible for filing the appropriate motion, order or judgment with the court.
- (3) If the parties are not able to settle a case through mediation, the case will be set for trial and not be required to be arbitrated.

12.275 GOOD FAITH ALTERNATIVE DISPUTE RESOLUTION

Under circumstances not limited to the following, the court may exercise its authority under UTCR 1.090 to impose sanctions against a party.

- (1) The party or attorney fails to attend a scheduled mediation session, arbitration hearing or judicial settlement conference.
- (2) The party or attorney fails to act in good faith during the mediation, arbitration or judicial settlement conference.
- (3) The party or attorney fails to submit on a timely basis paperwork required as a part of the mediation, arbitration or judicial settlement conference.
- (4) The party or attorney fails to have a principal necessary to approve the resolution of a case present or readily available, by telephone or other means, at the time of the mediation, arbitration or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this section of the rule.

For Judicial District 07's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Hood_River_7th_JD_SLR_2014.pdf/\\$File/Hood_River_7th_JD_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Hood_River_7th_JD_SLR_2014.pdf/$File/Hood_River_7th_JD_SLR_2014.pdf)

Judicial District 08 Supplementary Local Rules – Chapter 13

13.061 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION

- (1) Any party may file and serve notice of a request that the court transfer a case to arbitration.
- (2) A case will be assigned to arbitration unless it is excluded as provided in UTCR 13.060(1). A case assigned to arbitration will not be removed, except as might occur under Paragraph 3 of this Rule, without an affidavit, motion and order.
- (3) Only in extraordinary circumstances will the court order a case returned from arbitration to the court docket after a case has been assigned to an arbitrator. The Presiding Judge may remove a case from arbitration any time the Presiding Judge is of the opinion that such extraordinary circumstances exist.
- (4) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to no longer be subject to mandatory arbitration, the party filing such a pleading must notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk shall then remove the case from arbitration.

13.071 EXEMPTION FROM ARBITRATION

A court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within 5 days following the filing of a motion for exemption from arbitration. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the Uniform Trial Court Rules.

13.091 ARBITRATORS

- (1) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall

submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases. A list showing the names of arbitrators available to hear cases will be available for public inspection.

- (2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Trial Court Administrator immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three arbitration cases, subject to the discretion of the Presiding Judge.
- (3) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the Trial Court Administrator.

13.101 MOTIONS

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 before the case is referred to arbitration. No case shall be referred to arbitration unless all parties have appeared or have had an order of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed to the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

13.111 ARBITRATOR'S COMPENSATION

- (1) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the Court may exercise its authority under UTCR 1.090(2).

- (2) All arbitrator's fees must be paid in full prior to the arbitrator filing the final award with the Court unless otherwise ordered by the Court or agreed by the arbitrator.

Note – The Arbitration Commission has established the following compensation schedule for arbitrators. Prior to the arbitrator beginning work on the case, a \$600 deposit, with each party paying \$300, must be paid directly to the arbitrator. Arbitrator fees are \$150/hr for hearings, \$60/hr for arbitration-related work, and \$60/hr for travel time plus mileage at the current State rate. If the arbitration is cancelled or settled after it has been set for hearing, the arbitrator is entitled to charge for all arbitration-related work performed in preparation of the hearing and for one hour of hearing fees. The arbitrator's fees may be considered as recoverable items of costs thereby creating a judgment in favor of the arbitrator and against any party who has not paid the arbitrator's fees.

13.121 RELIEF FROM PAYMENT OF ARBITRATION FEES

- (1) Parties who are unable to pay the compensation and other expenses of the arbitrator within 14 days from the date the case is transferred to arbitration may request waiver

or deferral of such compensation or fees. The request must be submitted by motion and order supported by an affidavit setting forth with specificity the party's income, assets, and expenses and presented to the Presiding Judge for approval.

- (2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of the form approved by the State Court Administrator for such purpose.

13.181 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers and parties.

For Judicial District 08's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Baker_SLR_2014.pdf/\\$File/Baker_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Baker_SLR_2014.pdf/$File/Baker_SLR_2014.pdf)

Judicial District 09 Supplementary Local Rules – Chapter 13

13.025 REQUEST FOR AND OBJECTIONS TO ARBITRATION

- (1) Any party may file and serve a request that the Court transfer a case to arbitration.
- (2) A Court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within 5 days following the filing of a motion for exemption from arbitration. If the Court does not act on the motion for an exemption within five days it shall be deemed denied. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

13.035 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION

- (1) A case will be assigned to arbitration unless it is excluded as provided in UTCR 13.060(1). A case assigned to arbitration will not be removed, except as might occur under (2) of this Rule, without an affidavit, motion, and order.
- (2) Only in extraordinary circumstances will the Court order a case returned from arbitration to the Court docket after a case has been assigned to an arbitrator. The Presiding Judge of the Judicial District in which the case was filed retains the authority to remove a case from arbitration any time the presiding judge is of the opinion that such extraordinary circumstances exist.
- (3) In the event that amended pleadings are allowed by the arbitrator (e.g., amended complaint, third party complaint, etc.), in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading must notify the Trial Court Administrator and file

- the amended pleadings, together with the Arbitrator's order allowing such amended pleadings, with the Court. Amendment of the pleadings in the forgoing manner does not, by itself, remove a case from arbitration.
- (4) If a party seeks to exempt a case from arbitration, in accordance with subsection (3) of the rule, or on any other basis, or seeks an order exempting from arbitration a case that would otherwise be referred to arbitration, that party shall file a motion, supported by affidavit, declaration or certification with the court and serve the motion:
 - (a) on the other party or parties in the case;
 - (b) on the arbitrator, if an arbitrator has been assigned to the case; and
 - (c) on the Trial Court Administrator.
 - (5) A party that moves for an order under subsection (4) of this rule shall promptly advise the arbitrator in the case, if one has been assigned, of the resolution of the motion.
 - (6) Cases exempted from arbitration under this rule may, when again appropriate, be reinstated into arbitration.

13.042 REFERRAL TO ARBITRATION

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 before the case is referred to arbitration. No case shall be referred to arbitration unless all parties have appeared or have had an order of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed to the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

13.048 INDIGENT PARTIES

- (1) Indigent parties must seek waiver of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit setting forth with specificity the party's income, assets, and expenses, and presented to the Presiding Judge for approval.
- (2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 ARBITRATORS

- (1) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases. A list showing the names of arbitrators available to hear cases will be available for public inspection in the Trial Court

Administrator (or the Trial Court Administrator's designee) for each individual County.

- (2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Trial Court Administrator (or the Trial Court Administrator's designee) immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three arbitration cases, subject to the discretion of the Presiding Judge.
- (3) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the Trial Court Administrator (or the Trial Court Administrator's designee).

13.061 DOMESTIC RELATIONS TO ARBITRATION

In all domestic relation suits as defined in ORS 107.510 in which the only contested issue is the division or other disposition of property, the parties shall be referred to mandatory arbitration, unless the matter is referred to mediation as provided in ORS 36.405(3), or unless waived by the Court, as provided in ORS 36.405(2).

13.062 CIVIL CONTRACT CASES

In civil contract cases involving a pro se defendant(s), the case may be set for a status conference in front of a judge to determine if the case should be referred to arbitration, or exempt from arbitration pursuant to ORS 36.405(2)(a).

13.065 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers and parties.

13.071 PREHEARING STATEMENT OF PROOF

If one or more parties in the case fail to submit the Prehearing Statement of Proof required by UTCR 13.170, or fails to submit the preliminary payment to the arbitrator required by UTCR 13.120 within the time provided by those rules, the arbitrator may refer the matter back to the Court for further proceedings. If the matter is referred back to the Court, any party who timely complied with UTCR 13.170 and UTCR 13.120 may move the Court for appropriate sanctions.

13.075 ALTERNATE MEDIATION PROCEDURE

On the parties' written stipulation, filed with the court at any time prior to the commencement of the arbitration hearing, the parties may elect to mediate under UTCR

Chapter 12 rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration.

13.085 NO AWARD FILED WITHOUT PROOF OF NOTICE

At the conclusion of arbitration, if the arbitrator attempts to file the award with the Court without the proof of service of a copy of the decision and award upon each party as required by ORS 36.425(1), the award will not be filed and will be returned to the arbitrator.

13.125 ARBITRATOR'S COMPENSATION

- (1) The arbitrator shall be compensated at the rate of \$150.00 per hour for hearings and related work. Each party shall pay a \$400.00 deposit directly to the arbitrator prior to the arbitrator beginning work on the case. The arbitrator shall be compensated at the rate of \$75.00 per hour for travel time.
- (2) If either fails to pay their share of the deposit within 14 days of assignment to the arbitrator, the court may, on its own motion or that of a party after opportunity for a hearing, impose any sanction listed in UTCR 1.090(2)
- (3) The parties shall pay the arbitrator's fee in full before the arbitrator files the award with the court. This requirement is waived for any portion of the fee payable under ORS 36.420.

For Judicial District 09's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Malheur_SLR_2014.pdf/\\$File/Malheur_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Malheur_SLR_2014.pdf/$File/Malheur_SLR_2014.pdf)

Judicial District 10 Supplementary Local Rules – Chapter 13

13.015 ACTION TRIED TO COURT EXEMPTED

Civil cases may be exempted or removed from arbitration in accordance with ORS 36.405(2).

13.025 REQUEST FOR AND OBJECTIONS TO ARBITRATION

- (1) Any party may file and serve notice of a request that the Court transfer a case to arbitration.
- (2) A Court decision on an exemption filed pursuant to ORS 36.405(2) will be rendered within 5 days following the filing of a motion for exemption from arbitration. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

13.035 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION

- (1) A case assigned to arbitration will not be removed, except as might occur under (2) of this Rule, without an affidavit, motion and order.

- (2) Only in extraordinary circumstances will the Court order a case returned from arbitration to the Court docket after a case has been assigned to an arbitrator. The Presiding Judge of the judicial district in which the case was filed does retain the authority to remove a case from arbitration any time the Presiding Judge is of the opinion that such extraordinary circumstances exist.
- (3) In the event that amended pleadings are allowed by the arbitrator (e.g. amended complaint, third party complaint, etc.) in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading must notify the Trial Court Administrator. Unless the parties stipulate otherwise, the court shall then remove the case from arbitration.

13.042 REFERRAL TO ARBITRATION

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 before the case is referred to arbitration. No case shall be referred to arbitration unless all parties have appeared or have had a judgment of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed by the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

13.048 WAIVER OR DEFERRAL OF FEE

- (1) Indigent parties must seek waiver or deferral of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit setting forth with specificity the party's income, assets, and expenses, and presented to the Presiding Judge for approval.
- (2) In the event funds are available under ORS 36.420 for the payment of fees that are waived or deferred, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 ARBITRATORS

- (1) To qualify as an arbitrator, a person must sign and file an application as arbitrator and, if not a retired or senior judge or stipulated non-lawyer arbitrator, be an active member of the Oregon State Bar at the time of each appointment. During any period of suspension or disbarment from the practice of law by the Oregon State Bar or the Supreme Court, an arbitrator will be removed from the Court's list of arbitrators and may re-apply when the attorney is reinstated or readmitted to the Bar.
- (2) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases. A list showing the names of arbitrators to

- hear cases will be available for public inspection with the Trial Court Administrator for each individual county.
- (3) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Court immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three arbitration cases, subject to the discretion of the Presiding Judge.
 - (4) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the Court.

13.065 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the intent of which is disputed, will be considered by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers and parties.

13.066 MOTIONS

Motion practice is discouraged in cases assigned to arbitration.

13.075 ALTERNATE MEDIATION PROCEDURE

On the parties' written stipulation, filed with the Court at any time prior to the commencement of the arbitration hearing, the parties may elect to mediate rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration.

13.085 NO AWARD FILED WITHOUT PROOF OF NOTICE

At the conclusion of arbitration, if the arbitrator attempts to file the award with the Court without the proof of service of a copy of the decision and award upon each party as required by ORS 35.425(1), the award will not be filed and will be returned to the arbitrator.

13.125 ARBITRATOR'S COMPENSATION

- (1) Plaintiff(s) shall be responsible for one-half of arbitrator's fee. Defendant(s) shall be responsible for one-half of the arbitrator's fee. [Note: Per the Arbitration Commission, Arbitrators can set their own fees, but must disclose their hourly rate including their staff's hourly rate (the arbitrator is to provide fee information when chosen by litigants). An arbitrator's compensation is capped at \$200 per hour (or any greater sum agreed upon by the parties) with a maximum of ten hours per case except for good cause shown and approved by the Presiding Judge. Travel time shall not be compensated unless an arbitrator must travel from one county to another county for hearing, in which case the arbitrator will be paid \$50 per hour while traveling, with a maximum payment for travel time of \$200.]

- (2) The parties shall pay the arbitrator a fee deposit of \$500 before the arbitrator begins work on a case. If the plaintiff fails to pay plaintiff's share of the deposit within fourteen (14) calendar days of assignment to the arbitrator, the Court may exercise its authority to strike plaintiff's complaint. If the defendant fails to pay defendant's share of the deposit within fourteen (14) calendar days of assignment to the arbitrator, the Court may exercise its authority under UTCR 1.090.
- (3) The parties must pay the arbitrator's fee in full before the arbitrator files the award with the Court. This requirement is waived for any portion of the fee payable under ORS 36.420.

For Judicial District 10's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Union-Wallowa_SLR_2014.pdf/\\$File/Union-Wallowa_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Union-Wallowa_SLR_2014.pdf/$File/Union-Wallowa_SLR_2014.pdf)

Judicial District 11 Supplementary Local Rules – Chapter 13

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.

For Judicial District 11's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Deschutes_SLR_2014.pdf/\\$File/Deschutes_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Deschutes_SLR_2014.pdf/$File/Deschutes_SLR_2014.pdf)

Judicial District 12 Supplementary Local Rules – Chapter 13

13.005 MANDATORY ARBITRATION PROGRAM; COORDINATOR

- (1) The courts in the Twelfth Judicial District will operate the arbitration program as set forth in ORS 36.400, et sec, and UTCR Chapter 13.
- (2) An arbitration coordinator shall be appointed by the presiding judge.

13.015 REFERRAL TO ARBITRATION; MOTIONS

- (1) General civil or domestic relations cases. When a civil case, other than a small claims case, or a domestic relations property division case is referred to arbitration, the arbitration clerk shall send to counsel, or parties pro se, a notice of referral to arbitration along with the names of five proposed arbitrators and a copy of the arbitration procedures adopted by the alternative dispute resolution commission and approved by the court pursuant to UTCR 13.080 (2).
- (2) All motions, except those set forth in (3) below, shall be decided by the arbitrator as provided in UTCR 13.040 (3).

- (3) Motions to be decided by the court. The following motions shall be decided by a judge:
- (a) Waiver or deferral of arbitrator's and/or filing fees.
 - (b) Exemption or removal from arbitration.
 - (c) Change of venue.
 - (d) Resignation of counsel.
 - (e) Bankruptcy stay.
 - (f) Jurisdictional.

13.025 COMPENSATION OF ARBITRATORS; WAIVER OR DEFERRAL

- (1) Waiver or Deferral of Fees. The court may waive or defer advance payment of fees and/or expenses, in whole or in part, pursuant to ORS 36.420 (3). A party seeking waiver or deferral shall complete and submit to the court the forms provided by the court clerk for waiver or deferral of court filing fees.
- (2) General civil or domestic relations. Arbitrators shall be paid directly, in advance, by the parties. The total amount of fees and expenses shall be equally divided, unless otherwise stipulated by the parties.

NOTE: Arbitrator's compensation has been set by the Arbitration Commission at \$100.00 per hour with a maximum of five (5) hours.

For Judicial District 12's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Polk_SLR_2014.pdf/\\$File/Polk_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Polk_SLR_2014.pdf/$File/Polk_SLR_2014.pdf)

Judicial District 13 Supplementary Local Rules – Chapter 13

13.048 INDIGENT PARTIES

- (1) Indigent parties must seek waiver of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit, and must be presented to the Presiding Judge for approval.
- (2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission to the Court of an appropriate motion and order.

For Judicial District 13's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Klamath_SLR_2014.pdf/\\$File/Klamath_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Klamath_SLR_2014.pdf/$File/Klamath_SLR_2014.pdf)

Judicial District 14 Supplementary Local Rules – Chapter 13

13.005 ARBITRATION

Josephine County Circuit Court maintains an arbitration program in accordance with UTCR Chapter 13.

13.011 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR 12).

13.021 COMPENSATION OF ARBITRATORS

- (1) Each party in a case subject to arbitration shall pay the arbitration fee within fourteen (14) calendar days of receipt of Notice of Assignment of Arbitrator. Each party must pay the assigned arbitrator directly.
- (2) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the court may exercise its authority under UTCR 1.090(2).
- (3) Any dispute regarding any action taken by the arbitrator to enforce or implement UTCR 13.120(1), (2), or this supplemental local rule shall be resolved by the court in a summary manner, after affording the parties and the arbitrator an opportunity to be heard. No such action by the arbitrator shall be reversed or modified by the court unless it is established that the arbitrator has failed to follow these rules or acted in an arbitrary and capricious manner.

13.121 TIME FOR ARBITRATION HEARING – 91 DAY TIME PERIOD PURSUANT TO UTCR 13.160(2)

Pursuant to UTCR 13.160(2), except for good cause shown, the hearing must be scheduled to take place not later than 91 days, measured from the date of assignment to arbitration. With the exception of applying this 91 day time period in place of the 49 day time period set in UTCR 13.160(3), all other requirements of UTCR 13.160(3) and (4) apply to the scheduling, postponement or continuance of an arbitration hearing.

For Judicial District 14's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishings.nsf/Files/Josephine_SLR_2014.pdf/\\$File/Josephine_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishings.nsf/Files/Josephine_SLR_2014.pdf/$File/Josephine_SLR_2014.pdf)

Judicial District 15 Supplementary Local Rules – Chapter 13

13.005 ARBITRATION PROGRAM

- (1) Pursuant to ORS 36.400 the Fifteenth Judicial District has established an arbitration program.

- (2) Instead of referring a case to arbitration, the parties may stipulate that the court shall act in accordance with the applicable arbitration rules in UTCR chapter 13, but there shall be no trial de novo.
- (3) Proceedings conducted pursuant to subsection 2 shall not be reported unless the parties prior to the start of the proceeding pay the trial and reporter fee for a nonjury case.
- (4) If the parties enter into a stipulation provided for in subsection 2, the matter shall be tried to a judge in the Fifteenth Judicial District chosen by the parties. If the parties cannot agree upon the judge who is to try the case, a judge not otherwise properly disqualified shall be assigned by the presiding judge.

13.051 ARBITRATION WHEN CASE ALREADY SET FOR TRIAL

In all cases subject to mandatory arbitration a trial date will be set in accordance with the court's regular trial setting procedure and UTCR 7.020(5). All requests to reset a trial date must comply with UTCR 6.030.

13.121 COMPENSATION OF ARBITRATORS

- (1) In all cases the arbitrator's fee will be set by the arbitration commission.
- (2) Each party shall pay one-half of the arbitrators fee and it shall be paid in accordance with UTCR 13.120(2).
- (3) If a case settles before the date of the arbitration the arbitrator shall refund the preliminary payment except for an amount set by the arbitration commission.
- (4) The parties and arbitrator may use the procedure in UTCR 13.120(1) to adjust or request a higher fee than set in subsections (2) and (3) above.

Note - The Arbitration Commission has set the arbitrator's fee at \$500.00 for every 3 and ½ hours or a part thereof. If the arbitration is canceled or settled after it has been set for hearing, the arbitrator will be able to retain one-half of the initial fee.

13.161 SCHEDULING OF HEARING

Refer to SLR 13.051.

For Judicial District 15's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Coos-Curry_SLR_2014.pdf/\\$File/Coos-Curry_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Coos-Curry_SLR_2014.pdf/$File/Coos-Curry_SLR_2014.pdf)

Judicial District 16 Supplementary Local Rules – Chapters 12 & 13

12.105 COURT ANNEXED MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PROGRAM

- (1) The 16th Judicial District has a mediation referral program pursuant to ORS 36.185 to ORS 36.210.
- (2) Any contested adult guardianship or adult conservatorship case may be referred to mandatory mediation or settlement conference. The court may provide a court-

appointed mediator or person to conduct settlement conferences, or the parties may agree to a mediator or person to conduct the settlement conference of their own choice and at their own expense. If an agreement is not reached, the case will proceed to trial.

- (3) Unless the context requires otherwise, as used in the Douglas County Supplemental Local Rules, terms and rules applicable to mediators and mediation also are applicable to settlement conferences and those person conducting settlement conferences. A settlement conference may be chosen by the parties or ordered by the Court, in lieu of mediation or arbitration.
- (4) When ORS 36.400 (Mandatory Arbitration) applies, the parties shall be sent a Notice of Assignment to Alternative Dispute Resolution (ADR) wherein the available ADR programs will be described and the parties shall be required to choose among the then-available ADR programs.

12.125 ARBITRATION AND MEDIATION COMMISSION

- (1) There is established an Arbitration and Mediation Commission which includes judges, attorneys, non-attorneys, and, as ex officio, the Trial Court Administrator, at least some of whom have experience as mediators. The Arbitration and Mediation Commission is the “determining authority” as this term is used in Section 1.3 of the Oregon Judicial Department’s Court-Connected Mediator Qualifications Rules, adopted through Chief Justice Order No. 05-208 (see: [http://www.ojd.state.or.us/web/OJDPublications.nsf/Files/05cER001sh.pdf/\\$File/05cER001sh.pdf](http://www.ojd.state.or.us/web/OJDPublications.nsf/Files/05cER001sh.pdf/$File/05cER001sh.pdf)).
- (2) All members shall be appointed by, and serve at the pleasure of, the Presiding Judge for a period determined by the Presiding Judge.
- (3) The function of the Arbitration and Mediation Commission is to:
 - (a) Monitor the mediation, arbitration and settlement conference program.
 - (b) Review the applications of mediators, arbitrators, and those conducting settlement conferences.
 - (c) Review the qualifications and training of mediators, arbitrators, and those conducting settlement conferences.
 - (d) Advise the court on the functioning of the mediation, arbitration and settlement conference programs.
 - (e) The Presiding Judge retains and shall have final authority over all matters described in subsections (a), (b), (c) and (d) above.

12.135 MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PANEL ESTABLISHED

There shall be a panel of mediators, arbitrators and persons to conduct settlement conferences made up of persons appointed to serve for a period at the discretion of the Presiding Judge.

12.137 SETTLEMENT CONFERENCES LIABILITY/CONFIDENTIALITY

As settlement conferences are a form of alternative dispute resolution, the following provisions apply and are applicable to Settlement Conference and persons conducting Settlement Conferences, in the same way and with the same force and effect as applicable to mediators and mediation programs:

ORS 36.210 (Liability of mediators and programs); ORS 36.220 (Confidentiality of mediation communications and agreements; exceptions); ORS 36.222 (Admissibility and disclosure of mediation communications and agreements in subsequent adjudicatory proceedings).

12.145 APPOINTMENT TO MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PANEL

- (1) To apply to be listed on the panel of mediators, arbitrators or persons conducting settlement conferences, a person must sign and file an application as provided by the Court.
- (2) The Arbitration and Mediation Commission shall review each applicant 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, arbitrators and/or persons conducting settlement conferences shall be made by and in the discretion of the Presiding Judge in accordance with the Oregon Judicial Department's Court-Connected Mediator Qualifications Rules, adopted through Chief Justice Order No. 05-208 (see: [http://www.ojd.state.or.us/web/OJDPublications.nsf/Files/05cER001sh.pdf/\\$File/05cER001sh.pdf](http://www.ojd.state.or.us/web/OJDPublications.nsf/Files/05cER001sh.pdf/$File/05cER001sh.pdf)).

12.155 REMOVAL FROM MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PANEL

- (1) The Arbitration and Mediation Commission shall monitor the performance of mediators, arbitrators and persons conducting settlement conferences.
- (2) The Presiding Judge may remove a mediator, arbitrator or person conducting settlement conferences at the Presiding Judge's discretion.

12.165 ASSIGNMENTS, SELECTION, AND COMPENSATION OF MEDIATOR/ARBITRATOR/SETTLEMENT CONFERENCE PANEL

- (1) A mediator, arbitrator or person to conduct settlement conferences shall be assigned by the court or selected by the parties within 21 days after the referral to mediation, arbitration or settlement conference.
- (2) The Arbitration and Mediation Commission may establish a compensation schedule which shall apply when a mediator, arbitrator or person conducting a settlement conference is assigned by the court. If a mediator, arbitrator or person conducting a settlement conference is selected by the parties, then compensation shall be determined by the parties and the mediator, arbitrator or person conducting a settlement conference.

12.175 COMPLETING THE MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE

Any mediation, arbitration or settlement conference under these Rules must be completed within 90 days after the entry of an order referring the case to mediation, arbitration or settlement conference, unless otherwise ordered by the court.

12.185 TOLLING OF TRIAL AND DISCOVERY TIME LINES AND REQUIREMENTS

- (1) For purposes of ORS 36.190(3), tolling of trial and discovery time lines and requirements commences on the date of the entry of an order referring a case to mediation/settlement conference.
- (2) For purposes of ORS 36.190(3), tolling of trial and discovery time lines and requirements ends on the earliest of the following:
 - (a) The date the court is notified in writing of the termination of the mediation/settlement conference.
 - (b) The date a party files a written objection to mediation/settlement conference together with proof of service on all other parties.
 - (c) 90 days after the entry of an order referring the case to mediation/settlement conference.

12.195 EFFECT ON MANDATORY ARBITRATION

In any case which otherwise is subject to mandatory arbitration:

- (a) Arbitration shall not be required if all parties participate in a mediation session or a settlement conference.
- (b) If one or more parties file a written objection to mediation or a settlement conference together with proof of service on all other parties, then the case shall be transferred to or continued in arbitration.

12.200 SANCTIONS

The court may impose sanctions pursuant to UTCR 1.090 against any attorney or party who fails to comply with the requirements of SLR Chapter 12 by:

- (1) Failing to attend a scheduled mediation session, arbitration, settlement conference or judicial settlement conference; or,
- (2) Failing to act in good faith during the mediation, arbitration, settlement conference or judicial settlement conference; or,
- (3) Failing to submit on a timely basis paperwork required as a part of the mediation, arbitration, settlement conference or judicial settlement conference; or,
- (4) Failing to have a principal necessary to approve the resolution of the case present or readily available, by telephone or other means, at the time of the mediation, arbitration, settlement conference, or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this subsection of the rule.

13.015 OTHER APPLICABLE PROVISIONS

Other provisions regarding alternative dispute resolution, arbitration and arbitrators are found in SLR Chapter 12.

13.095 ARBITRATOR/MEDIATOR APPLICATION

To qualify as an arbitrator, mediator or a person to conduct settlement conferences, the applicant must complete and sign an application approved by the Arbitration and Mediation Commission.

For Judicial District 16's complete Supplementary Local Rules please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Douglas_SLR_2014.pdf/\\$File/Douglas_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Douglas_SLR_2014.pdf/$File/Douglas_SLR_2014.pdf)

Judicial District 17 Supplementary Local Rules – Chapter 13

13.35 ARBITRATION COMMISSION

- (1) At the request of a Judge, to render advisory opinions relating to arbitration.
- (2) The Arbitration Commission shall be composed of three judges, three attorneys, and as an ex officio member, the Trial Court Administrator.
- (3) Three members of the Commission constitute a quorum, but at least one attorney and one judge must be present.
- (4) A majority of the Judges will appoint the members of the Commission who serve at the pleasure of the majority of the Judges.

13.095 ARBITRATORS

- (1) To qualify as an arbitrator, a person must sign and file an application as an arbitrator, either to serve in a particular case or as a member of the panel of arbitrators.
- (2) Arbitration Panel. There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of arbitrators available to hear cases will be available for public inspection in the Trial Court Administrator's office. The execution of the form must be completed and filed prior to an applicant being placed on the panel.
- (3) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Trial Court Administrator immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in the case to the Trial Court Administrator.

13.125 COMPENSATION OF ARBITRATOR

- (1) In all cases, the arbitrator's fee will be set by the Arbitration Commission as required by UTCR 13.120(1)
- (2) In any case, or in a case that settles before the date of the arbitration, the parties and arbitrator may use the procedure found in UTCR 13.120(1) to adjust or request a higher fee than that provided for by the Arbitration Commission.
- (3) If a case settles before the date of the arbitration, the arbitrator shall refund the preliminary payment except for such minimum amount set by the Arbitration Commission.

13.135 PAYMENT OF ARBITRATOR'S FEE

- (1) The term "preliminary payment" as used in UTCR 13.120 shall be defined as the full amount of the arbitration fee then in effect as established by the Arbitration Commission.
- (2) In the event any party does not pay that party's pro-rata share of the "preliminary payment" for the arbitrator, the arbitrator may do any one or more of the following:
 - (a) Refuse to allow the non-paying party to participate any further in the arbitration proceedings;
 - (b) Immediately enter an arbitration award in favor of a party who has paid the party's respective pro-rata share;
 - (c) Enter an award dismissing the case for want of payment;
 - (d) Enter such other award and take such other action as may be just and equitable under the circumstances.
- (3) In the event one party pays its pro-rata share of the preliminary payment and the other party does not, the arbitrator shall be entitled to retain all payments received by the arbitrator in order to fully compensate the arbitrator for the arbitrator's time involved in making an award or otherwise disposing of the case.
- (4) Any dispute regarding any action taken by the arbitrator to enforce or implement UTCR 13.120(1), (2), or this supplemental local rule shall be resolved by the Court in a summary manner, after affording the parties and the arbitrator an opportunity to be heard. No such action by the arbitrator shall be reversed or modified by the Court unless it is established that the arbitrator has failed to follow these rules or acted in an arbitrary and capricious manner.

13.161 DEADLINE FOR ARBITRATION HEARING

The arbitration hearing must take place within 49 days from the date of assignment of the case to the arbitrator. The Trial Court Administrator or designee may allow an extension of time to conduct the hearing for good cause shown, but in no event will the arbitration process be allowed to extend more than six months from the date the case is assigned to an arbitrator.

13.165 SITUS OF HEARING

All cases involving statutorily mandated arbitration shall be heard in Lincoln County. A case may be heard outside of Lincoln County only upon the motion of one or both parties.

For Judicial District 17's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Lincoln_SLR_2014.pdf/\\$File/Lincoln_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Lincoln_SLR_2014.pdf/$File/Lincoln_SLR_2014.pdf)

Judicial District 18 Supplementary Local Rules – Chapter 13

13.009 MEDIATION IN LIEU OF ARBITRATION

On the parties' written stipulation, filed with the Court at any time 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-annexed 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, and shall not thereafter be required to submit to arbitration. Nothing in this rule, however, precludes the parties from entering into arbitration in the event that mediation is unsuccessful in resolving the controversy.

13.011 REFERRAL TO ARBITRATION

- (1) A case subject to arbitration shall be transferred to arbitration when the case is at issue or 90 days have elapsed since its filing, whichever occurs first.
- (2) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to no longer be subject to mandatory arbitration, the party filing such a pleading must notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk shall then remove the case from arbitration.
- (3) The Court may remove a case from arbitration at any time.

13.035 ARBITRATION COMMISSION

The arbitration program shall function under the direction of an Arbitration Commission, which shall consist of a judge and at least two attorneys. The Trial Court Administrator is an ex officio member of the Commission.

13.101 GOOD FAITH ARBITRATION

All parties and attorneys shall comply with the arbitration rules and procedures and with the directions of the Court and arbitrator.

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. The arbitrator may schedule telephone conference calls to deal with scheduling and procedural issues.

For Judicial District 18's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Clatsop_SLR_2014.pdf/\\$File/Clatsop_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Clatsop_SLR_2014.pdf/$File/Clatsop_SLR_2014.pdf)

Judicial District 19 Supplementary Local Rules – Chapter 13

13.031 ARBITRATION COMMISSION

The Arbitration Program shall function under the direction of an Arbitration Commission, appointed by the Presiding Judge.

13.041 REFERRING CASES TO ARBITRATION

Cases which are otherwise subject to arbitration will be referred to arbitration as follows:

- (1) Within twenty (20) days of the date on which the Answer is filed, or
- (2) If no Answer has been filed, but the return of service has been received, within ninety (90) days of the date the Complaint is filed, or
- (3) At any time as specifically directed by the Presiding Judge.

13.091 ARBITRATION PANEL

- (1) The Columbia County Arbitration Panel will consist of individuals selected by the Arbitration Commission and having the following qualifications:
 - (a) An attorney with at least five (5) years continuous practice of law in Oregon including significant experience in civil litigation, with a present emphasis in his or her practice of law on civil litigation; or
 - (b) State of Oregon retired or senior judge.
- (2) The parties may stipulate to any arbitrator.
- (3) The panel will be selected by the Arbitration Commission subject to approval of the presiding judge.
- (4) A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of the members of the Arbitration Panel will be available for public inspection in the Arbitration Clerk's office. Execution of the form, oath and agreement to serve must be completed and filed before an applicant is eligible to arbitrate a case.
- (5) Refusal and Disqualification - The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any grounds of interest, relationship, bias or prejudice governing the disqualification of judges.

- (6) If disqualified, the arbitrator must immediately return all materials in the case to the Arbitration Clerk and the assignment of the case to arbitration will be repeated.
- (7) No arbitrator shall have pending at any given time more than three (3) arbitration cases.

13.121 COMPENSATION OF ARBITRATORS – CIRCUIT COURT CASES

- (1) The Arbitration Commission shall establish a compensation schedule for arbitrators.* The fee will be paid in equal shares by the parties within fourteen (14) days after the assignment of the arbitrator and will be deposited in the arbitrator's trust account until final disposition of the action. After final disposition, any refunds then owing will be paid within seven (7) business days.

*The maximum fee per case established by the Arbitration Commission is \$500.00 except under extraordinary conditions when the procedural or substantive "complexity**" of the matter justifies a higher fee.

** For the purpose of this rule, "complexity" refers to the multiplicity of parties and their representative claims, but may include other factors. If the arbitrator suggests that such extraordinary conditions justify a larger fee, and the parties concur, the fee will be adjusted accordingly and will be paid in full by the respective parties prior to the commencement of the arbitration hearing. If the parties do not concur with the higher fee, the arbitrator will bring the matter to the attention of the Presiding Judge before the commencement of the arbitration hearing. In such circumstances, the Presiding Judge may authorize a higher arbitrator's fee which must be paid before the commencement of the arbitration hearing, but in no event more than fourteen (14) days following the Court's written approval.

- (2) If the plaintiff fails to pay the prescribed fee within fourteen (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 fourteen (14) calendar days of assignment, the Court may exercise its authority under UTCR 1.090 to impose an appropriate sanction.

13.122 INDIGENT PARTIES

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived or deferred, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator. Such request shall be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement

- will be provided for up to three (3) hours for each indigent party. The certificate must be accompanied by a copy of the order waiving or deferring fees of indigent party.
- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived or deferred by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one (1) party only, or at a reduced rate.
 - (3) The clerk shall provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties shall select an arbitrator from the list.

13.281 TRIAL SETTINGS ON ARBITRATION CASES WHERE A MOTION FOR DE NOVO TRIAL IS FILED

Every case in which a request for a trial de novo is filed will be set for trial within sixty (60) days of the date that the motion for a trial de novo is filed.

For Judicial District 19's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Columbia_SLR_2014.pdf/\\$File/Columbia_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Columbia_SLR_2014.pdf/$File/Columbia_SLR_2014.pdf)

Judicial District 20 Supplementary Local Rules

Judicial District 20 does not have a Supplementary Local Rule pertinent to mandatory arbitration.

For Judicial District 20's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Washington_SLR_2014.pdf/\\$File/Washington_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Washington_SLR_2014.pdf/$File/Washington_SLR_2014.pdf)

Judicial District 21 Supplementary Local Rules

13.005 MANDATORY ARBITRATION PROGRAM

Except as otherwise specified in these supplemental local rules, domestic relations arbitration shall be governed by the rules and regulations set forth in UTCR Chapter 13.

- (1) The Court may require arbitration in any domestic relations case where the sole issues in controversy involve the division of property and debt unless the Court finds good and compelling cause to exempt such a case from arbitration. An exemption shall be granted only upon the filing of a motion and affidavit setting forth good cause for the exemption sought.
- (2) This rule does not prohibit the parties from stipulating to arbitration of property and debt issues where there are other issues to be resolved by the court.

13.055 REFERRING CASES TO ARBITRATION

- (1) Cases which are otherwise subject to arbitration will be referred to arbitration as follows:
 - (a) Within twenty (20) days of the date on which the Answer is filed.
 - (b) At any time as specifically directed by the Presiding Judge.
- (2) Once a case is referred to arbitration, all motions against the pleadings, all motions for discovery, and all similar pretrial motions not yet resolved will be determined by the arbitrator. The arbitrator's determination, however, will only apply during the arbitration proceeding. If an appeal is filed, those issues may be raised again in the trial court. If a party feels that the arbitrator's decision on a pretrial motion will prejudice the parties if an appeal from the arbitrator's decision is filed, the party may file an appropriate motion with the Presiding Judge of the Court.

13.095 ARBITRATION PANEL

- (1) The Twenty-first Judicial District Arbitration Panel will consist of a panel of attorneys practicing in Benton and/or Linn Counties, selected by the Benton County Mediation/Arbitration Commission and having the following qualifications:
 - (a) Five years continuous practice including significant experience in civil litigation, with a present emphasis in his or her practice of law on civil litigation.
 - (b) A retired, senior, or pro tem judge.
- (2) The parties may stipulate to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside Benton and Linn counties.
- (3) The panel will be selected by the Benton County Mediation/Arbitration Commission subject to approval of this Judicial Districts Presiding Judge.
- (4) The Arbitration Clerk will assign arbitrators to cases in a manner to ensure random selection.
- (5) A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of the members of the Arbitration Panel will be available for public inspection in the Arbitration Clerk's office. Execution of the form, oath, and agreement to serve must be completed and filed before an applicant is eligible to arbitrate a case.
- (6) Refusal and Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Clerk immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any grounds of interest, relationship, bias or prejudice governing the disqualification of judges.
- (7) If disqualified, the arbitrator must immediately return all materials in the case to the Arbitration Clerk.

13.285 TRIAL SETTINGS ON ARBITRATION CASES WHERE A REQUEST FOR DE NOVO TRIAL IS FILED

Unless otherwise allowed by the Court, every case in which a request for a trial de novo is filed a trial date will be assigned within sixty (60) days of the date that the request for a trial de novo is filed.

For Judicial District 21's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Benton_SLR_2014.pdf/\\$File/Benton_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Benton_SLR_2014.pdf/$File/Benton_SLR_2014.pdf)

Judicial District 22 Supplementary Local Rules – Chapter 13

13.048 ARBITRATION – INDIGENT PARTIES

In the event funds are available under ORS 36.420 for the payment of arbitrator fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 REFERRING CASES TO ARBITRATION

Cases subject to arbitration will be referred to arbitration as follows:

- (1) Within 30 days when the case is at issue unless otherwise ordered by the Presiding Judge;
- (2) At any time as specifically directed by the judge to whom the case is assigned, or by the Presiding Judge.
- (3) An arbitrator may make written application to the Presiding Judge to have a referred case removed from arbitration under ORS 36.405(2)(b). A copy of the written request must be served upon the parties.

For Judicial District 22's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Crook-Jefferson_SLR_2014.pdf/\\$File/Crook-Jefferson_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Crook-Jefferson_SLR_2014.pdf/$File/Crook-Jefferson_SLR_2014.pdf)

Judicial District 23 Supplementary Local Rules – Chapter 13

An Arbitration Coordinator will be appointed by the Court.

13.005 MANDATORY ARBITRATION PROGRAM – DOMESTIC RELATIONS

- (1) The Court may require arbitration in any Domestic Relations case where the only issues in controversy involve the division of property and debt unless the Court finds good and compelling cause to exempt such a case from arbitration. An exemption shall be granted only upon the filing of a motion with supporting affidavit setting forth good cause for the exemption sought.

- (2) This rule does not prohibit the parties from stipulating to arbitration of property and debt issues where there are other issues to be resolved by the Court.

13.055 REFERRING CASES TO ARBITRATION

- (1) Cases which are otherwise subject to arbitration will be referred to arbitration as follows:
 - (a) Within twenty days of the date on which the Answer is filed.
 - (b) Within fourteen days of the termination or completion of mediation where mediation is required in domestic relations cases.
 - (c) At any time as specifically directed by the Presiding Judge.
- (2) Once a case is referred to arbitration all motions against the pleadings, all motions for discovery, and all similar pretrial motions not yet resolved will be determined by the arbitrator. The arbitrator's determination, however, will only apply during the arbitration proceeding. If an appeal is filed, those issues may be raised again in Circuit Court. If a party believes that the arbitrator's decision on a pretrial motion will prejudice the parties if an appeal from the arbitrator's decision is filed, that party may file an appropriate motion with the Presiding Judge of the appropriate Court.

13.095 ARBITRATION PANEL

- (1) The Twenty-third Judicial District may establish two or more Arbitration Panels, a General Civil Panel, a Domestic Relations Panel, and such other panels as the Arbitration Commission deems necessary; each consisting of a panel of attorneys practicing in Linn and/or Benton Counties, selected by the Arbitration Commission and having the following minimum qualifications:
 - (a) Civil Panel: an attorney meeting the requirements set forth in UTCR 13.090 with five years continuous practice including significant experience in civil litigation, with a present emphasis in civil litigation for service on the Civil Panel;
 - (b) Domestic Relations Panel: five years continuous practice including significant experience in domestic relations litigation, with a present emphasis in domestic relations cases for service on the Domestic Relations Panel; or
 - (c) A retired or senior judge.
- (2) The panel will be selected by the Arbitration Commission subject to approval of this Judicial District's Presiding Judge.
- (3) The parties may stipulate to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside Benton and Linn counties.
- (4) The Arbitration Clerk will assign arbitrators to cases in a manner to ensure random selection.
- (5) A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of the members of the Arbitration Panel will be available for public inspection in the Arbitration Clerk's

office. Execution of the form, oath, and agreement to serve must be completed and filed before an applicant is eligible to arbitrate a case.

- (6) Refusal and Disqualification: The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any grounds of interest, relationship, bias or prejudice governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in the case to the Arbitration Clerk.

For Judicial District 23's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Linn_SLR_2014.pdf/\\$File/Linn_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Linn_SLR_2014.pdf/$File/Linn_SLR_2014.pdf)

Judicial District 24 Supplementary Local Rules – Chapter 13

13.121 COMPENSATION OF ARBITRATORS

- (1) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the court may exercise its authority under UTCR 1.090(2).
- (2) Indigent parties may seek waiver or deferral of the arbitrator's fee within 14 days from the date the case is assigned to arbitration. The request must be submitted by motion and order, supported by an affidavit setting forth with specificity the party's income, assets and expenses and presented to the Presiding Judge for approval. In the event the funds are available under ORS 36.420 for the payment of fees waived or deferred, the arbitrator shall be reimbursed after filing of the arbitration award.

NOTE: The arbitration commission has established a compensation schedule for arbitrators. The arbitrator shall be compensated at the rate of \$120.00 per hour (or any greater sum agreed upon by the parties), not to exceed 10 hours, for hearings and related work. Each party shall pay a \$500.00 deposit directly to the arbitrator prior to the arbitrator beginning work on the case. The arbitrator shall be compensated at the rate of \$60.00 per hour for travel.

For Judicial District 24's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Grant-Harney_SLR_2014.pdf/\\$File/Grant-Harney_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Grant-Harney_SLR_2014.pdf/$File/Grant-Harney_SLR_2014.pdf)

Judicial District 25 Supplementary Local Rules – Chapter 13

13.015 REFERRAL TO ARBITRATION; MOTIONS

- (1) General civil or domestic relations cases: When a civil case, other than a small claims case, or a domestic relations property division case is referred to arbitration, the

- arbitration clerk shall send to counsel, or parties pro se, a notice of referral to arbitration along with the names of five proposed arbitrators and a copy of the arbitration procedures adopted by the alternative dispute resolution commission and approved by the court pursuant to UTCR 13.080(2).
- (2) All motions, except those set forth in (3) below, shall be decided by the arbitrator as provided in UTCR 13.040(3). The original of all motions shall be filed with the arbitrator and not to the court.
 - (3) Motions to be decided by the court. The following motions shall be decided by a judge:
 - (a) Waiver or deferral of arbitrator's and/or filing fees.
 - (b) Exemption or removal from arbitration.
 - (c) Change of Venue.
 - (d) Permission to be represented by counsel in small claims arbitration.
 - (e) Resignation of counsel
 - (f) Bankruptcy stay.
 - (4) Location of Hearing: Unless approved by the presiding judge, all arbitration hearings shall be held at a location in Yamhill County.

13.025 COMPENSATION OF ARBITRATORS; WAIVER OR DEFERRAL

- (1) Compensation. Arbitrators shall be paid directly by the parties within 14 days of the selection of the arbitrator. The total amount of fees and expenses shall be equally divided, unless otherwise stipulated by the parties.

Note: Arbitrators compensation is currently \$100.00 per hour with a maximum of five hours per case, except for good cause shown and approved by the presiding judge.
- (2) Waiver of fees. The court may waive or defer advance payment of fees and/or expenses, in whole or in part, pursuant to ORS 36.420(3). A party seeking waiver or deferral shall complete and submit to the court the forms provided by the court clerk for waiver or deferral of court filing fees. Application for waiver or deferral must be made within 14 days of the date of the notification of transfer to arbitration. Fees deferred must be paid within 5 days of the arbitration hearing.

13.055 QUALIFICATIONS OF ARBITRATORS

- (1) To qualify as a court-approved arbitrator, a person must:
 - (a) Request, complete and submit, to the Presiding Judge, an application for the Arbitration Panel for the Twenty-Fifth Judicial District;
 - (b) If not a retired or senior judge or stipulated non-lawyer, be an active member of the Oregon State Bar for at least 5 years.
 - (c) Meet the requirements of UTCR 13.090.
 - (d) Receive the approval of the Presiding Judge.
 - (e) Be willing to travel to Yamhill County to conduct hearings.

- (2) The parties may stipulate to an arbitrator not on the 25th Judicial District Arbitration Panel and proceed through court-annexed arbitration. The arbitrator not on the arbitration panel will receive an arbitration packet which will include instructions and forms for the Twenty-Fifth Judicial District, as well as an Arbitrator's Oath which must be executed and returned to the arbitration coordinator before arbitration proceeds.

For Judicial District 25's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Yamhill_SLR_2014.pdf/\\$File/Yamhill_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Yamhill_SLR_2014.pdf/$File/Yamhill_SLR_2014.pdf)

Judicial District 26 Supplementary Local Rules – Chapter 13

13.048 INDIGENT PARTIES

- (1) Indigent parties must seek waiver of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit, and must be presented to the Presiding judge for approval.
- (2) In the event funds are available under ORS 36.420(3) for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission of the form approved by the State Court Administrator for such purposes.

For Judicial District 26's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Lake_SLR_2014.pdf/\\$File/Lake_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Lake_SLR_2014.pdf/$File/Lake_SLR_2014.pdf)

Judicial District 27 Supplementary Local Rules – Chapter 13

13.041 REFERRAL TO ARBITRATION; MOTIONS

- (1) A case subject to arbitration will be assigned to arbitration when all parties have appeared.
- (2) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to be no longer subject to mandatory arbitration, the party filing such a pleading must so notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

13.161 SCHEDULING OF HEARING

- (1) Except for good cause shown, the hearing must be scheduled to take place no later than ninety (90) days, from the date of assignment of the case to the arbitrator. A hearing may be postponed or continued only with permission of the arbitrator, but it

- must still take place within the ninety (90) day period. The arbitrator must give notice of any continuance to the Trial Court Administrator.
- (2) Continuances and postponements shall not be granted except in the more unusual circumstances. Approximately three months are allocated for the arbitration process. The arbitrator is given the power to enforce the rules and will be required to maintain the schedule.

For Judicial District 27's complete Supplementary Local Rules, please visit:

[https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Tillamook_SLR_2014.pdf/\\$File/Tillamook_SLR_2014.pdf](https://www.ojd.state.or.us/Web/ojdpublishations.nsf/Files/Tillamook_SLR_2014.pdf/$File/Tillamook_SLR_2014.pdf)

APPENDIX E

Oregon Revised Statutes Chapter 36

Text reflects the Oregon Revised Statutes in effect on July 15, 2014

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors036.html

Please consult the most recent version of the Oregon Revised Statutes

https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

(Above link offers access to the most current version of the Oregon Revised Statutes; you will be required to locate Oregon Revised Statutes chapter 36 from the index provided in the link.)

36.400 MANDATORY ARBITRATION PROGRAMS

- (1) A mandatory arbitration program is established in each circuit court.
- (2) Rules consistent with ORS 36.400 to 36.425 to govern the operation and procedure of an arbitration program established under this section may be made in the same manner as other rules applicable to the court and are subject to the approval of the Chief Justice of the Supreme Court.
- (3) Each circuit court shall require arbitration under ORS 36.400 to 36.425 in matters involving \$50,000 or less.
- (4) ORS 36.400 to 36.425 do not apply to appeals from a county, justice or municipal court or actions in the small claims department of a circuit court. Actions transferred from the small claims department of a circuit court by reason of a request for a jury trial under ORS 46.455, by reason of the filing of a counterclaim in excess of the jurisdiction of the small claims department under ORS 46.461, or for any other reason, shall be subject to ORS 36.400 to 36.425 to the same extent and subject to the same conditions as a case initially filed in circuit court. The arbitrator shall not allow any party to appear or participate in the arbitration proceeding after the transfer unless the party pays the arbitrator fee established by court rule or the party obtains a waiver or deferral of the fee from the court and provides a copy of the waiver or deferral to the arbitrator. The failure of a party to appear or participate in the arbitration proceeding by reason of failing to pay the arbitrator fee or obtain a waiver or deferral of the fee does not affect the ability of the party to appeal the arbitrator's decision and award in the manner provided by ORS 36.425.

36.405 REFERRAL TO MANDATORY ARBITRATION; EXEMPTIONS

- (1) Except as provided in ORS 30.136, in a civil action in a circuit court where all parties have appeared, the court shall refer the action to arbitration under ORS 36.400 to 36.425 if either of the following applies:
 - (a) The only relief claimed is recovery of money or damages, and no party asserts a claim for money or general and special damages in an amount exceeding

\$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment.

- (b) The action is a domestic relations suit, as defined in ORS 107.510, in which the only contested issue is the division or other disposition of property between the parties.
- (2) The presiding judge for a judicial district may do either of the following:
 - (a) Exempt from arbitration under ORS 36.400 to 36.425 a civil action that otherwise would be referred to arbitration under this section.
 - (b) Remove from further arbitration proceedings a civil action that has been referred to arbitration under this section, when, in the opinion of the judge, good cause exists for that exemption or removal.
- (3) If a court has established a mediation program that is available for a civil action that would otherwise be subject to arbitration under ORS 36.400 to 36.425, the court shall not assign the proceeding to arbitration if the proceeding is assigned to mediation pursuant to the agreement of the parties. Notwithstanding any other provision of ORS 36.400 to 36.425, a party who completes a mediation program offered by a court shall not be required to participate in arbitration under ORS 36.400 to 36.425.

36.410 STIPULATION FOR ARBITRATION; CONDITIONS; RELIEF

- (1) In a civil action in a circuit court where all parties have appeared and agreed to arbitration by stipulation, the court shall refer the action to arbitration under ORS 36.400 to 36.425 if:
 - (a) The relief claimed is more than or other than recovery of money or damages.
 - (b) The only relief claimed is recovery of money or damages and a party asserts a claim for money or general and special damages in an amount exceeding \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment.
- (2) If a civil action is referred to arbitration under this section, the arbitrator may grant any relief that could have been granted if the action were determined by a judge of the court.

36.415 ARBITRATION AFTER WAIVER OF AMOUNT OF CLAIM EXCEEDING \$50,000; MOTION FOR REFERRAL TO ARBITRATION

- (1) In a civil action in a circuit court where all parties have appeared, where the only relief claimed is recovery of money or damages, where a party asserts a claim for money or general and special damages in an amount exceeding \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment, and where all parties asserting those claims waive the amounts of those claims that exceed \$50,000, the court shall refer the action to arbitration under ORS 36.400 to 36.425. A waiver of an amount of a claim under this section shall be for the purpose of arbitration under ORS

36.400 to 36.425 only and shall not restrict assertion of a larger claim in a trial de novo under ORS 36.425.

- (2) In a civil action in a circuit court where all parties have appeared, where the only relief claimed is recovery of money or damages and where a party asserts a claim for money or general and special damages in an amount exceeding \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment, any party against whom the claim is made may file a motion with the court requesting that the matter be referred to arbitration. After hearing upon the motion, the court shall refer the matter to arbitration under ORS 36.400 to 36.425 if the defendant establishes by affidavits and other documentation that no objectively reasonable juror could return a verdict in favor of the claimant in excess of \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment.

36.420 NOTICE OF ARBITRATION HEARING; OPEN PROCEEDING; COMPENSATION AND EXPENSES

- (1) At least five days before the date set for an arbitration hearing, the arbitrator shall notify the clerk of the court of the time and place of the hearing. The clerk shall post a notice of the time and place of the hearing in a conspicuous place for trial notices at the principal location for the sitting of the court in the county in which the action was commenced.
- (2) The arbitration proceeding and the records thereof shall be open to the public to the same extent as would a trial of the action in the court and the records thereof.
- (3) The compensation of the arbitrator and other expenses of the arbitration proceeding shall be the obligation of the parties or any of them as provided by rules made under ORS 36.400. However, if those rules require the parties or any of them to pay any of those expenses in advance, in the form of fees or otherwise, as a condition of arbitration, the rules shall also provide for the waiver in whole or in part, deferral in whole or in part, or both, of that payment by a party whom the court finds is then unable to pay all or any part of those advance expenses. Expenses so waived shall be paid by the state from funds available for the purpose. Expenses so deferred shall be paid, if necessary, by the state from funds available for the purpose, and the state shall be reimbursed according to the terms of the deferral.

36.425 FILING OF DECISION AND AWARD; NOTICE OF APPEAL; TRIAL DE NOVO; ATTORNEY FEES AND COSTS; EFFECT OF ARBITRATION DECISION AND AWARD

- (1) At the conclusion of arbitration under ORS 36.400 to 36.425 of a civil action, the arbitrator shall file the decision and award with the clerk of the court that referred the action to arbitration, together with proof of service of a copy of the decision and award upon each party. If the decision and award require the payment of money, including payment of costs or attorney fees, the decision and award must be

substantially in the form prescribed by ORS 18.042.

- (2) (a) Within 20 days after the filing of a decision and award with the clerk of the court under subsection (1) of this section, a party against whom relief is granted by the decision and award or a party whose claim for relief was greater than the relief granted to the party by the decision and award, but no other party, may file with the clerk a written notice of appeal and request for a trial de novo of the action in the court on all issues of law and fact. A copy of the notice of appeal and request for a trial de novo must be served on all other parties to the proceeding. After the filing of the written notice a trial de novo of the action shall be held. If the action is triable by right to a jury and a jury is demanded by a party having the right of trial by jury, the trial de novo shall include a jury.
 - (b) If a party files a written notice under paragraph (a) of this subsection, a trial fee or jury trial fee, as applicable, shall be collected as provided in ORS 21.225.
 - (c) A party filing a written notice under paragraph (a) of this subsection shall deposit with the clerk of the court the sum of \$150. If the position under the arbitration decision and award of the party filing the written notice is not improved as a result of a judgment in the action on the trial de novo, the clerk shall dispose of the sum deposited in the same manner as a fee collected by the clerk. If the position of the party is improved as a result of a judgment, the clerk shall return the sum deposited to the party. If the court finds that the party filing the written notice is then unable to pay all or any part of the sum to be deposited, the court may waive in whole or in part, defer in whole or in part, or both, the sum. If the sum or any part thereof is so deferred and the position of the party is not improved as a result of a judgment, the deferred amount shall be paid by the party according to the terms of the deferral.
- (3) If a written notice is not filed under subsection (2)(a) of this section within the 20 days prescribed, the court shall cause to be prepared and entered a judgment based on the arbitration decision and award. A judgment entered under this subsection may not be appealed.
 - (4) Notwithstanding any other provision of law or the Oregon Rules of Civil Procedure:
 - (a) If a party requests a trial de novo under the provisions of this section, the action is subject to arbitration under the provisions of ORS 36.405 (1)(a), the party is entitled to attorney fees by law or contract, and the position of the party is not improved after judgment on the trial de novo, the party shall not be entitled to an award of attorney fees or costs and disbursements incurred by the party before the filing of the decision and award of the arbitrator, and shall be taxed the reasonable attorney fees and costs and disbursements incurred by the other parties to the action on the trial de novo after the filing of the decision and award of the arbitrator.
 - (b) If a party requests a trial de novo under the provisions of this section, the action

is subject to arbitration under ORS 36.405 (1)(a), the party is not entitled to attorney fees by law or contract, and the position of the party is not improved after judgment on the trial de novo, pursuant to subsection (5) of this section the party shall be taxed the reasonable attorney fees and costs and disbursements of the other parties to the action on the trial de novo incurred by the other parties after the filing of the decision and award of the arbitrator.

- (c) If a party requests a trial de novo under the provisions of this section, the action is subject to arbitration under ORS 36.405 (1)(b), and the position of the party is not improved after judgment on the trial de novo, the party shall not be entitled to an award of attorney fees or costs and disbursements and shall be taxed the costs and disbursements incurred by the other parties after the filing of the decision and award of the arbitrator.
- (5) If a party is entitled to an award of attorney fees under subsection (4) of this section, but is also entitled to an award of attorney fees under contract or another provision of law, the court shall award reasonable attorney fees pursuant to the contract or other provision of law. If a party is entitled to an award of attorney fees solely by reason of subsection (4) of this section, the court shall award reasonable attorney fees not to exceed the following amounts:
 - (a) Twenty percent of the judgment, if the defendant requests the trial de novo but the position of the defendant is not improved after the trial de novo; or
 - (b) Ten percent of the amount claimed in the complaint, if the plaintiff requests the trial de novo but the position of the plaintiff is not improved after the trial de novo.
- (6) Within seven days after the filing of a decision and award under subsection (1) of this section, a party may file with the court and serve on the other parties to the arbitration written exceptions directed solely to the award or denial of attorney fees or costs. Exceptions under this subsection may be directed to the legal grounds for an award or denial of attorney fees or costs, or to the amount of the award. Any party opposing the exceptions must file a written response with the court and serve a copy of the response on the party filing the exceptions. Filing and service of the response must be made within seven days after the service of the exceptions on the responding party. A judge of the court shall decide the issue and enter a decision on the award of attorney fees and costs. If the judge fails to enter a decision on the award within 20 days after the filing of the exceptions, the award of attorney fees and costs shall be considered affirmed. The filing of exceptions under this subsection does not constitute an appeal under subsection (2) of this section and does not affect the finality of the award in any way other than as specifically provided in this subsection.
- (7) For the purpose of determining whether the position of a party has improved after a trial de novo under the provisions of this section, the court shall not consider any money award or other relief granted on claims asserted by amendments to the

pleadings made after the filing of the decision and award of the arbitrator.