

## ARBITRATION

Arbitration is a method for resolving legal disputes which offers large savings in time and cost over a trial before a regular Circuit Court judge. Under Oregon Court rules arbitration is mandatory for certain kinds of cases, primarily civil claims where no more than \$50,000 is claimed, or domestic relations cases involving only property divisions. Any or all parties, can appeal an award made in a court mandated arbitration, and have a whole new trial in Circuit Court. That may include a jury.

The Oregon State Bar's summary of the arbitration process can be viewed at:

[https://www.osbar.org/public/legalinfo/1216\\_MandatoryArbitration.htm](https://www.osbar.org/public/legalinfo/1216_MandatoryArbitration.htm)

The Oregon State Judicial Department and your local county circuit court have rules governing the arbitration process. Even if you are not represented by an attorney, the arbitrator will probably expect you to read these rules and make some reasonable effort to substantially comply with them.

Chapter 13 of the Oregon Uniform Trial Court Rules regarding arbitrations can be found at:

<http://courtdr.org/library/view.php?ID=3724> or  
[http://courts.oregon.gov/OJD/docs/programs/utcr/2010\\_UTCR\\_ch13.pdf](http://courts.oregon.gov/OJD/docs/programs/utcr/2010_UTCR_ch13.pdf).

Any Supplementary Local Rules, (SLRs) of your local Circuit Court can be accessed through either the Oregon Judicial Department website or that of the individual county's circuit court. The Multnomah County Circuit Court SLRs are found at Chapter 13 of:

<http://courts.oregon.gov/Multnomah/docs/CourtRules/SLR2012EffectiveFebruary1.2012.Pdf>

While mandatory arbitration is limited to the types of cases indicated, the parties, by mutual agreement, can agree to arbitrate cases where larger amounts of money damages, or different types of relief, are involved. The parties can also agree to select an arbitrator from the local court list, or agree on a different person of their own choosing. Fees in the latter case are as agreed between the parties and the arbitrator. The standard fees for arbitrators from the designated court list are \$125 per hour, to a normal maximum of \$1,000.

I believe I bring a wealth of both court and "life" experience to my work as an arbitrator. I am always pleased to discuss with opposing parties and their counsel a plan for the full and fair consideration and resolution of the parties' claims. Arbitration can be non-binding, or binding if the parties agree.

Attached is a sample initial letter to counsel which summarizes my approach to arbitration. I feel that, within reason, the parties and their counsel should be given the opportunity to mutually agree on any arbitration procedure that will best aid them and their

clients in coming to a final resolution of their case. However, arbitration is not mediation, and my goal is always to produce the best decision I can, based on the law and the facts, the same as a circuit court judge. As indicated in my form letter, my practice is to sit down with the parties and their counsel at the conclusion of their hearing and tell them what my award will be and the reasons for it. I believe every litigant has a right to expect that.