

*SAMPLE DRAFT ONLY*

\_\_\_\_\_, 2012

Ms. Elaine Lawyer  
Portland, OR

Mr. Frank Advocate  
Portland, OR

Re: **Smith v. Jones**  
**Multnomah County Circuit Court No. \_\_\_\_\_**

Dear Counsel:

I received my copy of the Notice of Selection of Arbitrator. Please e-mail to me those calendar dates that you cannot be available, beginning \_\_\_\_\_, and ending \_\_\_\_\_. (typically beginning about 28 days from the date of assignment to arbitration and ending 10 days before the court deadline.) The Court's Notice requires that the arbitration be held no later than \_\_\_\_\_, and written notice of the assigned date be provided to the court by \_\_\_\_\_.

Please send me immediately copies of your current pleadings, any other relevant materials from the court file and your preliminary \$50 portions of the arbitration fee deposits. Each party is required to submit the remaining \$450 balance of its arbitration fee deposit upon the earlier of:

- A. Filing of a motion by any party, or
- B. No later than 14 days prior to the scheduled hearing. (UTCRC 13.120(2).)

The parties' pre-hearing statements are also due a minimum of 14 days prior to the scheduled hearing date. However, I have no objection if the parties, by mutual written agreement, defer filing their pre-hearing statements. You need no approval from me to do so as long as I receive them no later than 48 hours before the hearing. This does not extend the date for submitting your completed fee deposits.

I do not require, but appreciate receiving, a short legal memo from each side dealing with any significant legal issues in the case. Any submissions should be provided to me and opposing counsel a minimum of 48 hours prior to the hearing. It is also helpful to me to receive at that time copies of the parties' exhibits along with any objections to exhibits.

I prefer to conduct arbitration hearings as expeditiously as possible, consistent with the

parties' desire to "have their day in court." All of your submissions and authorities will have been reviewed by me prior to the hearing. I often will outline to the parties and counsel at the start of the case any preliminary concerns I may have about the law and the facts. That is intended to help you, not limit you in any way.

If, and only if, all parties agree and desire it, we can discuss the possibility of settlement before the start of the hearing. If the parties and counsel can agree on any other specific requests or preferences regarding the conduct of the hearing, please let me know and I will do everything I reasonably can to accommodate you.

My usual practice is to provide the parties with my decision and an explanation of the reasons for it before they leave the hearing.

I look forward to meeting you and your clients.

Very truly yours,

TERRANCE C. HUNT